NOMINATIONS

HEARING

BEFORE THE

COMMITTEE ON
LABOR AND HUMAN RESOURCES
UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION

ON

WILLIAM F. HARVEY, OF INDIANA AND ANNIE LAURIE SLAUGHTER, OF MISSOURI, TO BE MEMBERS OF THE BOARD OF DIRECTORS, LEGAL SERVICES CORPORATION

MAY 18, 1982

Printed for the use of the Committee on Labor and Human Resources

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NOMINATIONS

TUESDAY, MAY 18, 1982

U.S. SENATE,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, D.C.

The committee met, pursuant to notice, at 9:46 a.m., in room 4232, Dirksen Senate Office Building, Senator Orrin G. Hatch (chairman of the committee) presiding.

Present: Senators Hatch, Quayle, Nickles, and Kennedy.

The CHAIRMAN. The committee will be in order.

Today we consider two more nominees to serve on the Board of the Legal Services Corporation.

Please take a seat, Senator Lugar. We are happy to have you here.

The Legal Service program was created by Congress to assure that no person be denied access to our justice system due to lack of financial resources. That goal is still an important one for us to pursue.

The nominees before us today will have a challenge and a critical role to play in working toward the achievement of that goal. From studying their backgrounds, I am impressed with their skills, experience, and leadership they have demonstrated. Each of them brings a rich background which will be a valuable asset in moving the program forward.

My colleague, Senator Richard Lugar, is here to introduce Dean Harvey. What I would like to do, if there is no objection, is to have Senator Lugar introduce Dean Harvey, to accommodate his busy schedule. I apologize, Senator Lugar, for being just a little bit late this morning, but we have had a number of things come up that have delayed us getting here. So we will turn the time over to you.

Senator LUGAR. Thank you very much, Mr. Chairman and Senator Kennedy.

It is a privilege to introduce Prof. William Harvey, who is a professor at the Indiana University School of Law and was the law school's dean for 6 years, 1973 to 1979.

Professor Harvey is a graduate of Georgetown University School of Law, where he received a J.D. and LL.M. degree, and is a graduate of the University of Missouri, where he received his A.B. in 1954.

He was a law clerk for the Honorable John A. Danaher on the U.S. Court of Appeals for the District of Columbia and to the Honorable Thomas D. Quinn on the District of Columbia Court of Appeals.

Professor Harvey is admitted to the bar of the State of Indiana, the State of Virginia, and the District of Columbia. He is a member of the Bar Associations of Indiana, Virginia, the District of Columbia, the Indianapolis Bar, and the American Bar Association.

He is the author of 13 volumes on civil procedure and evidence. He is nationally recognized as an authority on those subjects. Additionally, he is similarly recognized in constitutional litigation and has often been the trial counsel and the appellate counsel in constitutional cases.

He has served as a professor of law for 21 years. He serves on many advisory committees to courts and professional legal groups.

Dean Harvey served as a naval officer aboard an attack carrier in the Western Pacific.

He is married, and his lovely wife is with him today, as is his daughter Carolyn. He has, in addition, a son, Bill.

I would add just as a personal reference, Mr. Chairman, that I have known Dean Harvey well during my service as mayor of Indianapolis. He was of extraordinary help to our civil corporation during that time in a voluntary capacity and especially through his leadership during difficult times. At the Indiana University School of Law, in Indianapolis, he was a force for good, for civil betterment, and likewise for civil peace on many occasions. I am indebted to him for that service that was given some time ago and likewise, for the service he has given to our Indianapolis community subsequently.

It is a real privilege to introduce him to you today.

The CHAIRMAN. Thank you, Senator Lugar.

We are very happy to have you here today. With that, we know you have busy duties, so we will excuse you.

Senator LUGAR. Thank you.

The CHAIRMAN. I forgot to turn to our distinguished ranking minority member to see if he had an opening statement, and I apologize to you, Senator Kennedy, for that, but I think we have accommodated Senator Lugar well.

Senator KENNEDY. That is fine.

I just wanted to welcome Senator Lugar and Professor Harvey before the committee. I think, professor, the good words of Senator Lugar will be important to our committee in our recommendation. We want to thank Senator Lugar very much for being here.

After Senator Lugar is excused, I would like to make a statement and comment.

The CHAIRMAN. Thank you so much.

Thanks, Senator Lugar, for coming.

Senator LUGAR. Thank you.

The CHAIRMAN. Mrs. Ann Slaughter is also one of our nominees for the National Legal Services Corporation, and she is from St. Louis, Mo., where she has been active to say the least in community affairs and has received numerous awards and national recognition for her volunteer efforts.

Her 25 years of community service certainly bring to the Board a rich background. Mrs. Slaughter, we are very happy to have you here as well.

Before we take either of your statements, we will turn to Senator Kennedy and have his remarks in the record.

Senator **Kennedy**. Thank you very much, Mr. Chairman.

I would like to welcome Professor Harvey and Mrs. Slaughter to this hearing today. You and your colleagues have been nominated to positions that, despite their part-time nature, are extremely important. The value of the Legal Services Corporation and its functions in our system of justice should not be underestimated. Through the efforts of the Corporation and its grantees across the country, millions of poor people are given access to the court system to adjudicate their disputes and protect their rights of property.

Legal Services attorneys effectively represent their clients in cases involving housing and family disputes, governmental benefits, employment, education, to name only a few.

In short, the Corporation has succeeded in providing an often-ignored segment of the American public a legitimate chance for equal justice.

This committee has always taken its responsibility to advise on and consent to Presidential nominees very seriously, and the importance of the Corporation and its special nature simply enhance that.

Unlike other Federal agencies, the Corporation operates under a legislative mandate of political independence and nonpartisan activity. The Board, as the Corporation's ultimate policymakers, thus differs from other executive branch officials. They do not act as subordinates or advisers to the President but rather as an independent decisionmaker.

The Senate, and this committee, has the obligation to exercise its powers of review to preserve and protect this independence.

I would like to make one final observation. During the earlier hearing, I alluded to the provisions of the LSC Act requiring representation on the Board from the organized bar, Legal Services attorneys, the general public, and the inclusion of eligible clients.

I am not at all confident that this Board complies with these requirements. Mrs. Slaughter may well qualify as a client representative, and I will discuss this in more detail during my questioning. So holdover member Josephine Worthy is certainly a client representative. However, her continued position on the Board is unclear, and it would be most useful for the administration to clarify her position.

In addition, I would urge the administration to fill the vacancy created by Mr. Sandstrom with a nominee that provides the Board with the diversity of views envisioned in the act.

Of course, this committee cannot assess the adequacy of the Board's composition without receiving the final nomination. Let me add that I feel strongly that any final committee recommendation with regard to these nominees occur only after the position of Ms. Worthy is clarified and after the remaining position is filled by the administration. Only in that way can this committee and the Senate make an adequate determination on these nominees.

The **Chairman**. Thank you, Senator Kennedy.

Senator Nickles, would you care to make any comments?

Senator **Nickles**. I have no statement.

The CHAIRMAN We would be happy to take the statements of you first, Dean Harvey, and then you second, Mrs. Slaughter, if we can do that.

STATEMENT OF WILLIAM F. HARVEY, PROFESSOR OF LAW, INDIANA UNIVERSITY SCHOOL OF LAW

Mr. HARVEY. Mr. Chairman and members of the committee, thank you for the opportunity to appear here this morning before your committee on the matter of confirmation to the Board of Directors of Legal Services Corporation.

The committee knows that I was here before, on March 29, 1982, when the hearing was postponed, and could not be present on April 21, 1982, when other members of the Board and other witnesses were before the committee.

It is a very great honor to be appointed as a recess member to this Board and to be nominated by the President for membership, an honor because assistance to the poor is one of the great developments of the American legal profession, and it is a duty of the profession and its members.

Further, it is a program now funded by the Congress, and it is an indication that the Congress recognizes that the fundamental right on which all others depend is access to rights recognition and enforcement. It is that which ultimately supports assistance to persons who are poor or who have no access to a court or an enforcement mechanism in a particular case, and not merely the power which exists in a Federal statute.

The recognition which has been extended to me has come from the Board, also. It saw fit to select me as its first permanent chairman, and I have thanked the Board for that, and I do so today. The President's appointees are outstanding. They and I have a long history of dedication to and interest in assistance for the poor or those who need assistance in times of great peril, and they are functioning very well in these times.

The Board's committees are excellent and are chaired by very able persons. Given the conditions which exist, they are doing more than can be expected from a person who is not a paid director of the Corporation and is essentially a dedicated volunteer working overtime.

The acting president, Prof. Gerald Caplan, I can report to this committee, is doing a fine job, particularly given the fact that a period of transition is most difficult for persons who are new and for older staff members who naturally resist change or new ideas and new faces.

This committee and its staff members should know, just as the Corporation staff should realize, that progressive developments and changes will occur because we are determined to see to it that legal assistance is provided for persons who are poor.

We hold persons as individuals in the highest regard. We are concerned that persons have been turned away, perhaps, from grantee programs because time was not available or money was not available, either because it was not there in the first instance or because, possibly, it was being spent elsewhere.

As I said, we come from that group known as the "old school" in legal assistance to the poor. Certainly that is true in my case, in that before and after the OEO program of legal assistance developed in 1965, I was actively engaged in writing and rewriting the rules and forms in States which, based on the Federal Rules of Civil Procedure, give a quicker and less expensive access to the courts.

Additionally, in Indiana during my decanal years the Black American Law Student Association first appeared in our school's bulletin in 1975–76, and I actively supported the city programs which gave legal assistance to the poor.

In a difficult time for the Indianapolis Legal Aid Society and the Indianapolis Legal Services Organization, I assisted the Indianapolis Bar Association in making major support available between 1974 and 1977 for poor persons through the Indianapolis Legal Aid Society. Also, new programs were commenced for our law students who, as seniors, worked in both the Legal Aid Society and in the Legal Services Organization.

Of course, I was, as the dean, an appointing authority to the Board of Directors of the Legal Services Corporation of Indianapolis, and our law school dean still is that. The law school and I still have very good relationships with the principal agencies in our city and throughout the State for providing legal assistance to the poor.

Additionally, Mr. Chairman, by "old hand" I refer with great pride to my legal assistance pro bono publico. Perhaps the highlight instance was the brief which I assisted in writing for Mr. Allan Bakke, who sought relief from racial discrimination which was being practiced by the University of California. I was greatly honored to be invited to write that brief by a splendid public interest foundation, the Pacific Legal Foundation.

That brief was identified as one of the three leading briefs amicus curiae in the *Bakke* case, and our spirit of approach is found in a statement by the Congress in section 1001(2) of the Legal Services Corporation Act, where the Congress said that there is a need to provide, and I quote, "high quality legal assistance to those who would be otherwise unable to afford adequate legal counsel."

All of that was done without compensation, without charge to Mr. Bakke, and without financial gain of any kind. Other law professors in the United States did receive compensation for their work in opposition to Mr. Bakke. My single satisfaction in being on his side came in knowing that I assisted a man against whom the State had directed all of its awful power to discriminate on a racial basis, and that we removed the dead hand of the State from his back and put him in medical school.

I am still pleased to list my association as an educational adviser, pro bono publico, to a postgraduate program which is maintained by the Pacific Legal Foundation. There are advisers to that educational program who come from Stanford University, from UCLA, from Indiana University, from the University of Virginia, and the McGeorge Law School of the University of the Pacific.

We do not establish policy for the foundation, or know or determine the legal actions it takes or is taken against it. That is not our function or purpose. We offer, when asked, educational counsel and advice to an educational program which it maintains. It is advice which is, as I have said, free of charge.

The program is designed to accept three or four graduate law students each year, to give them training as young attorneys by experts in trial and appellate litigation. The program is in that respect similar to a postgraduate program in legal education without a degree being conferred. It is similar to the old Office of Program Support in the Legal Services Corporation, except that the Office of Program Support in Legal Services had, of course, access to much greater funding than this educational effort.

I recall, when I was selected in 1979 as an educational consultant, the president of the trustees of Indiana University wrote to me a letter of sincere congratulations that a faculty member at Indiana University had been so selected. I appreciated his comments and the recognition which they gave, and I still do. Indiana University and I are honored, and I can only hope that my gifts of advice and time justify that recognition.

Mr. Chairman, it is an honor to be here, to be invited to appear before this committee, and I thank you very much.

[The prepared statement and biographical sketch of Mr. Harvey follow:]

STATEMENT BY PROF. WILLIAM F. HARVEY

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear this morning before your Committee on the matter of Confirmation to the Board of Directors of the Legal Services Corporation. The Committee knows that I was here before, on March 29, 1982, when the hearing was postponed, and could not be present on April 21, 1982 when other members of the Board, and other witnesses were before the Committee.

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We hold persons as individuals in the highest regard. We are concerned that persons have been turned away, perhaps, from grantee programs because time was not available or money was not available, either because it was not there in the first instance or because, possibly, it was being spent elsewhere.

As I said, we come from that group known as the "old school" in legal assistance for the poor. Certainly this is true in my case, in that before and after the O.E.O. program of legal assistance developed, I was actively engaged in writing and rewriting the rules and forms in states which, based on the Federal Rules, give quicker and less expensive access to the courts.

Additionally, in Indiana during my decanal years the Black American Law Student Association first appeared in our school's bulletin in 1975-76, and I actively supported the city programs which gave legal assistance to the poor. In a difficult time for the Indianapolis Legal Aid Society and the Indianapolis Legal Services Organization, I assisted the Indianapolis Bar Association in making major support available between 1974 and 1977, for poor persons through the Indianapolis Legal Aid Society. Also, new programs were commenced for our law students who, as seniors, worked in both the Legal Aid Society and in the Legal Services Organization.

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I recall when I was selected in 1979 as an educational consultant, the President of the Trustees of Indiana University wrote to me a letter of sincere congratulations that a faculty member at Indiana University had been so selected. I appreciated his comments and the recognition which they gave, and I still do. Indiana University and I are honored, and I can only hope that my gifts of advice and time justify that recognition.

Mr. Chairman, it is an honor to be here, and to appear again before the Committee. Thank you.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART I: ALL THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

Name: HARVEY (LAST) WILLIAM (FIRST) FRANKLIN (OTHER)

Position to which nominated: Board of Directors Legal Services Corporation

Date of nomination: 3/1/82

Date of birth: 20 (DAY) 10 (MONTH) 1932 (YEAR)

Place of birth: Eldon, Missouri

Marital status: Married

Full name of spouse: Geralene Lawrence Harvey

Name and ages of children: Carolyn J. Harvey 22
William L. F. Harvey 15

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Georgetown U. Law Sch	1959-61	LL.M.	1961
Georgetown U. Law Sch	1956-59	J.D.	1959
Univ. of Missouri	1950-54	A.B.	1954
Eldon Public High Eldon, Missouri	1946-50	Cert. of Graduation	1950

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

U.S. Commissioner of Education, Nat'l Advisory Committee; Dean, Indiana Univ. School of Law (1973-79); Steering Committee, Titled Professors of Ind. Univ. (1979-1982); Carl M. Gray Prof. of Law; Recipient, I.U. Student Bar Assoc. Teaching Award, "Black Cane" (1971 & 1981); Fellow, American Bar Foundation; Member, Philadelphia Society; Lecturer, Law Club of Indianapolis; Recipient, I.U. Student Bar Assoc. Special Teaching Award, Silver Service (1970); Member, American Academy of Forensic Science (1971-78), Member, American Law Institute

[U.S, Navy (Lieutenant): China Service; Korea; United Nations; Unit Citations (Indo-China)(1953-56)]

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations for the last five years and any other prior memberships or offices you consider relevant.

Organization	Office held (if any)	Dates
See Attachment #1		

Employment record: List below all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

(1) U.S. Navy, U.S.S. Boxer, FPO, San Francisco, CA 1954-56

(2) Law Clerk, Antitrust Div., U.S. Dept of Justice
Washington, D.C. Summer 1957

(3) Law Clerk, Judge Thomas D. Quinn, District
of Columbia Court, Washington, D.C. 1959-60

(4) Law Clerk, Judge John A. Danaher, U.S. Court
of Appeals, Washington, D.C. 1960-61

(5) Professor of Law, Washburn Univ., Topeka, KS 1961-68

(6) Indiana University School of Law, Indianapolis, IN
Professor of Law 1968-present
Dean, School of Law 1973-79
Carl M. Gray Professor of Advocacy 1979-present

ATTACHMENT #1

MEMBERSHIPS:

Member of:
- Indiana Bar Association
- Indianapolis Bar Association
- District of Columbia Bar Association
- Virginia Bar Association
- American Bar Association
- Fellow, American Bar Foundation (1977--)
  (Selected by Indiana Fellows for membership)
- Indiana Supreme Court Advisory Committee on Rules of Practice and Procedure (1969--)
- Indiana Governor's Committee on Mental Health Laws
- American Law Institute, Elected Member
- Indiana Legal Foundation, Advisory Board
- Steering Committee, Titled Professors of Indiana Univ.
- U.S. Commissioner of Education, Nat'l Advisory Committee
- Philadelphia Society

West Publishing Company, Author & Editor, Indiana publications
Pacific Legal Foundation, Educational Consultant
Legal Services Corp. (Indianapolis), Appointing Authority (1976-79)
Professional Educational Corp. (Indiana), Vice Pres. & Stock Holder
Indiana Law Reporter, Editorial Consultant
Law Club of Indianapolis, Lecturer (monthly)
Indiana Bar Assoc. Trial Lawyers Section, Writer & Editor
Liberty Fund, Inc., Author & Seminar Participant
Speaker & Panelist, Indiana Appellate Practice Seminar, I.C.L.E.F., 4/20/79
Moderator, Ind. Bar Assoc. Institute on Settlements, 1978
Advisor, Americans for Effective Law Enforcement (1974-78)

Panelist:
- Indiana Bar Association Institute on Evidence, 1977
- Sen. Richard G. Lugar's Seminar for Indiana High School Students, 1977
- Fed. Bar Assoc. Institute on Federal Rule of Evidence, 1976
- & Conferee, Indiana State Bar Assoc. Meetings, 1974-79
- Indiana State Bar Assoc., Trial Lawyer's Section, 1973-79
- Sixth Judicial Conference of Indiana, 1972
- Fifth Judicial Conference of Indiana, 1971
- Ind. State Bar Association, Spring 1971
- Fourth Judicial Conference of Indiana, 1970
- Third Judicial Conference of Indiana, 1969
- Indiana State Bar Assoc., Institute on Rules of Civil Procedure, 1969

Speaker, Indiana Judicial Conference, Ft. Wayne, Ind. Evidence Review, 1977
Board of Directors, Indiana Continuing Legal Education Forum, 1973-79
Board of Directors, Indiana Bar Assoc. Foundation, 1974-79

Lecturer:
- Midwestern Conference of Attorneys General, 1972
- Indiana State Bar Assoc., Institute on the Drug Crisis--Lawyer's Role, 1971
- Indiana Trial Lawyer's Association: Rules of Civil Discovery, 1970

Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments other than those listed above.

U.S. Commissioner of Education, Nat'l Advisory Committee; Indiana Supreme Court Advisory Committee on Rules of Practice and Procedure, 1969-- ; Indiana Governor's Committee on Mental Health Laws; Speaker & Witness: Fed. Committee on the Quality of Advocacy in Federal Courts, Chicago (Devitt Committee) (1977) and Federal Committee on the Reform and Reorganization of the Federal Appellate Courts, Chicago (1975); Reporter, Conference of U.S. District Courts, Federal Judicial Center, Washington, D.C. (4/1974)(64 Fed.Rules Dec. 401 & 526); Conferee, Nat'l Conference on Bail and Criminal Justice, Washington, D.C. (1964).

Legal Services Corp of Indianapolis-Appointive Authority,1976-1979.(As the Dean of the Law School).

Published writings: List the titles, publishers and dates of books, articles, reports or other published materials you have written.

A complete list of published volumes, articles and a regular monthly column is attached. See Attachment #2.

Political affiliations and activities: List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last five years.

In 1980, I was a precinct finance chairman, #46 in Washington Township, Marion County, Indiana; other than that I have never held office in a political party or election committee. A list of financial contributions to organized election committees during hte last five years is shown on Attachment #3.

ATTACHMENT #2

Civil Procedure and Jurisdiction, Survey of Recent Developments in Indiana Law, 13 Ind.L.Rev. 54 (1980).

Civil Procedure and Jurisdiction, Survey of Recent Developments in Indiana Law, 12 Ind.L.Rev. 42 (1979).

Civil Procedure and Jurisdiction, Survey of Recent Developments in Indiana Law, 11 Ind.L.Rev. 51 (1978).

Civil Procedure and Jurisdiction, Survey of Recent Developments in Indiana Law, 10 Ind.L.Rev. 88 (1976).

Civil Procedure and Jurisdiction, Survey of Recent Developments in Indiana Law, 9 Ind.L.Rev. 66 (1975).

Civil Procedure and Jurisdiction, Survey of Recent Developments in Indiana Law, 8 Ind.L.Rev. 59 (1974).

Civil Procedure and Jurisdiction, Survey of Recent Developments in Indiana Law, 7 Ind.L.Rev. 24 (1973).

"*To the New Members of the Kansas Bar*," 7 Washburn Law Journal 47 (1967).

"*The Uniform Rules of Evidence as Affected by the Federal Constitution, and as Adopted by One State*," 29 Montana Law Rev. 137 (1968).

"*A Policeman in Society: A New Approach*," Kansas Government Journal 143 (1967); 113 Congressional Record A2484 (May 22, 1967).

"*The New Kansas Code of Civil Procedure, A Procedural Revolution on the Great Plains*," 36 F.R.D. 51 (1964)--co-authored.

"*Child Custody and Conflicts of Law*," 30 J.Bar.Assn. Kansas 316 (1962).

Legal-Medical Publications:

"*Medical vs. Legal Definitions of Death*," 204 J.American Medical Assn. 423 (1968); abstracted, Modern Medicine, pp. 94 (Sept. 23, 1968)--co-authored articles, which evolved into criteria recommended by the A.M.A. to be used in determination of medical death, especially in organ-transportation. Cited in the Indiana Supreme Court case of *Swafford v. State of Indiana*, 421 N.E.2d 596 (Ind. 1981).

The New England Journal of Medicine: 279:834 (1968) (letter--comment, co-authored).

"The Doctor-Patient Privilege, As Affected by Collins v. Bair, and Trial Rule 34," 14 Res Gestae 14 (1970).

"An Introduction to Thomas S. Szasz, M.D.," 3 Indiana Legal Forum 14 (1969).

"The Uniform Anatomical Gift Act--A Second Look," 13 Res Gestae 14 (1969).

"The Beginning of Life," 69 Journal of the Kansas Medical Society 348 (1968)--co-authored.

"Anatomical Gifts," 69 Journal of the Kansas Medical Society 343 (1968)--co-authored.

"Definitions of Death," 69 Journal of the Kansas Medical Society 280 (1968)--co-authored, and see 37 Journal of the Kansas Bar Association 179 (1968).

National Publications:

"Rehabilitating Criminology," The Alternative: An American Spectator, April 1976, p. 27--note: this publication is now titled, "The American Spectator."

"Some Different Thoughts About Bakke," National Review February 3, 1978, p. 151; reprinted in full in Indiana Alumni Magazine, April 1978.

"A Proposal for Reform of Federal Judiciary and Federal Regulatory Agencies: A New Beginning," Chapter in A Blueprint for Judicial Reform, Patrick B. McGuigan & Randall R. Rader, Eds., p. 195 (Free Congress Research & Education Foundation, November 1981).

ATTACHMENT #3

POLITICAL AFFILIATIONS AND ACTIVITIES:

1981:

Committees for:

Bogard for Attorney General: $150
Friends of Dick Lugar: $200

1980: Republican Finance Chairman, Precinct #46, Washington Twp., Marion County, Indiana

Committees for:

Law Professors for Reagan (no financial contribution)
Indianapolis Republican Roundtable: $120
Bogard for Attorney General: $425
Quayle for Senator: $50
Mutz for Lt. Governor: $25
Orr for Governor: $50
Buckley for Senator: $150
Reagan for President: $65
Crane for Congress: $250
Republican Committee: $245

1979:

Committees for:

Crane for Congress: $50
Schneider for City Council: $25

1978:

Committees for:

Helms for Senate: $70
Republican Neighborhood: $30
Dorman for Congress: $75
Goldsmith for Prosecuting Attorney: $60
Duryea: $50
Crane for Congress: $275

1977:

Committees for:

Helms for Senate: $25
Conservative Party of New York: $75
Crane for Congress: $150
Citizens for Republic: $25

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Present Employer: Indiana University. Will not sever connection with Indiana University.

2. State whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

See No. 1, supra.

3. Has a commitment been made to you for employment after you leave Federal service?

No

4. Do you intend to serve the full term for which you have been appointed or until the next Presidential election, whichever is applicable?

Yes

Potential conflicts of interest:

1. Describe any financial arrangements, deferred compensation agreements or other continuing financial, business or professional dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

There are no financial arrangements, compensation programs, or business dealings with any person or program or entity which will affect anyone, or me, in the position to which I have been nominated.

2. List any investments, obligations, liabilities, or other financial relationships which constitute potential conflicts of interest with the position to which you have been nominated.

There is none.

3. Describe any business relationship, dealing or financial transaction which you have had during the last five years whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated.

There is none.

4. List any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any Federal legislation or of affecting the administration and execution of Federal law or policy.

I have not engaged in lobbying activity in the past 10 years, or at any time.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

There is no conflict of interest of which I am aware, in any respect.

Senator QUAYLE. Ann Slaughter.

STATEMENT OF ANN SLAUGHTER, DIRECTOR OF OPERATIONS, ANNIE MALONE CHILDREN'S HOME

Mrs. SLAUGHTER. Mr. Chairman, members of the committee, my name is Ann Slaughter. I am the director of operations of Annie Malone Children's Home, a 94-year-old residential child care institution for neglected and disadvantaged children.

For the past 25 years, I have been involved with church and community organizations whose goals are to help those in need.

On January 22, 1982, I was appointed by President Ronald Reagan to the Board of Directors of the Legal Services Corporation. I am committed to the principle which underlies the Legal Services program, that the poor have full access under law to comprehensive and effective legal services.

As cochairman of a local victim assistance program, we assist victims of crime who are the poor, elderly, and minorities, who can least afford to be victims.

I live and work in the community with the poor, and I am sensitive to their needs.

I am aware and understand that the Corporation must be kept free of political influence. If I am confirmed, I will do all in my power to carry out the Legal Services Corporation Act.

Thank you.

[The prepared statement and biographical sketch of Mrs. Slaughter follow:]

STATEMENT OF ANN SLAUGHTER

Mr. Chairman, Members of the Committee:

My name is Ann Slaughter. I am the Director of Operations of Annie Malone Children's Home, a 94 year old Residential Child Care Institution for neglected and disadvantaged children.

For the past 25 years I have been involved with church and community organizations whose goals are to help those in need. On January 22, 1982, I was appointed by President Ronald Reagan to the Board of Directors of the Legal Services Corporation. I am committed to the principle which underlies the Legal Services program: that the poor have full access under law to comprehensive and effective legal services.

As co-chairman of a local Victim Assistance program we assist victims or crime who are the poor, elderly and minorities, who can least afford to be victims.

I live and work in the community with the poor, and I am sensitive to their needs.

I am aware and understand that the Corporation must be kept free from political influence.
If I am confirmed I will do all in my power to carry out the Legal Services Corporation Act.

COMMUNITY ACTIVITIES

Guest speaker and panelist at various seminars and workshops, radio and television.

Member, Advisory Board of the St. Louis Chapter of Morality in Media.

Member, Missouri Institute for Justice.

Founder and Chairperson, PACT (Partners Against Crime Together), a victims advocacy organization to assist victims of violent crimes.

Member, President Reagan's Victims of Crime Task Force.

Member, Crime Victims Legal Advocacy Institute.

Chairperson, Black Methodist for Church Renewal (BMCR).

A Volunteer in Church and Community Organizations for 25 years.

Received a Certificate of Appreciation from the St. Louis Heart Fund for 5 years of continuous volunteer service.

Received an award from the Laura Mill Truth Club for outstanding service to the Black Community.

Received a service award from the Womens Chamber of Commerce for contributions in the fight against crime.

Received an award and certificate of appreciation from the Womens Crusade Against Crime.

Received a certificate of appreciation from Christopher Bond, former Governor of Missouri, for participation in the development of the Missouri action plan for public safety.

Received a letter of appreciation form President Gerald Ford for parricipation in the President's White House Conference on Domestic and Economic Affairs.

Testified before Missouri Senate on the need to pass a Victim's Compensation Bill

Received the National Margaret Fry Award presented by NOVA (National Organization for Victim Assistance) for the outstanding Victims Practitioner.

Received A Resolution proposed by House Speaker, Kenneth Rothman for Outstanding work in the State of Missouri and the well deserved national recognition by NOVA.

Received letters of commendation from Former Mayors John Poelker and Alphonso J. Cervantes of St. Louis for input on various committees and task forces.

Testified before the United States Senate Judiciary Committee on the need to include victim assistance as a part of the LEAA Program.

Received a Certificate of Appreciation from the "Veterans of Foreign Wars," in grateful recognition of unyielding adherence to the highest ideals of Law Enforcement in maintaining, preserving, and protecting the lawful rights of all citizens.

Received a letter of thanks from President Ronald Reagan for participation in the President Elect's Crime Victim Task Force.

TATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART I: ALL THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

Name: Slaughter (LAST) Annie Laurie (FIRST) Ann (OTHER)

Position to which nominated: Legal Services Corporation

Date of nomination: January 22, 1982

Date of birth: 27 - 08 - 25 (DAY) (MONTH) (YEAR)

Place of birth: Marks, Mississippi

Marital status: Divorced

Full name of spouse: George Willie Slaughter, Sr.

Name and ages of children:

Jerome Bryant - [illegible] 39 yrs.

George W. Slaughter JR. - 31 yrs.

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Lincoln Elementary	1930-1940	8th Grade Cert.	June - 1940
Vashon High School	1940-1942	None	
St. Louis University	1975-1976	None	
Forest Park Community	1977	Single Course	

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Please see attached

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Honors & Awards

A VOLUNTEER IN CHURCH AND COMMUNITY ORGANIZATIONS FOR 25 YEARS:

RECEIVED A CERTIFICATE OF APPRECIATION FROM THE ST. LOUIS HEART FUND FOR 5 YEARS OF CONTINUOUS VOLUNTEER SERVICE

RECEIVED AN AWARD FROM THE LAURA MILL TRUTH CLUB FOR OUTSTANDING SERVICE TO THE BLACK COMMUNITY

RECEIVED A SERVICE AWARD FROM TH WOMENS CHAMBER OF COMMERCE FOR CONTRIBUTIONS IN THE FIGHT AGAINST CRIME

RECEIVED AN AWARD AND A CERTIFICATE OF APPRECIATION FROM THE WOMENS CRUSADE AGAINST CRIME

RECEIVED A CERTIFICATE OF APPRECIATION FROM CHRISTOPHER BOND, FORMER GOVERNOR OF MISSOURI FOR PARTICIPATION IN THE DEVELOPMENT OF THE MISSOURI ACTION PLAN FOR PUBLIC SAFETY

RECEIVED A LETTER OF APPRECIATION FROM PRESIDENT GERALD FORD FOR PARTICIPATION IN THE PRESIDENT'S WHITE HOUSE CONFERENCE ON DOMESTIC AND ECONOMIC AFFAIRS

RECEIVED LETTERS OF COMMENDATION FROM FORMER MAYOR JOHN POELKER AND ALFONSO J. CERVANTES FOR INPUT ON VARIOUS COMMITTEES AND TASK FORCES.

TESTIFIED BEFORE THE MISSOURI SENATE ON THE NEED TO PASS A VICTIM'S COMPENSATION BILL

RECEIVED THE NATIONAL MARGARET FRY AWARD PRESENTED BY NOVA (NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE) FOR THE OUTSTANDING VICTIMS PRACTITIONER

RECEIVED A RESOLUTION PROPOSED BY HOUSE SPEAKER KENNETH ROTHMAN , FOR OUTSTANDING WORK IN THE STATE AND THE WELL DESERVED NATIONAL RECOGNITION BY NOVA

TESTIFIED BEFORE THE U.S SENATE JUDICIARY COMMITTEE ON THE NEED TO INCLUDE VICTIM ASSISTANCE AS A PART OF THE LEAA PROGRAM

RECEIVED A CERTIFICATE OF APPRECIATION FROM THE VETERANS OF FOREIGN WARS, IN RECOGNITION OF UNYIELDING ADHERENCE TO THE HIGHEST IDEALS OF LAW ENFORCEMENT IN MAINTAINING, PRESERVING AND PROTECTING THE LAWFUL RIGHTS OF ALL CITIZENS

RECEIVED A CERTIFICATE OF APPRECIATION FROM COTILLION deLEON COMMITTEE OF UNION MEMORIAL UNITED METHODIST CHURCH FOR OUTSTANDING SERVICE TO THE COMMUNITY.

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Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations for the last five years and any other prior memberships or offices you consider relevant.

Organization	Office held (if any)	Dates
Partners Against Crime Together	Co-Chairman	1978 - present
Crime Victims Legal		1978 - present
Advocay Institute		
NAACP		present

Employment record: List below all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

1947-1953 Army Finance Center - Statistical Clerk - St. Louis, Mo.

1953-1955 Army Finance Center - Fiscal Accounting Clerk

Fort Harrison, Indiana

March 13, 1957 - June 28, 1957 Internal Revenue - [illegible]

St. Louis, Mo.

ST. LOUIS, MO.

September 1957 - July 1958 - Transportation Supply & Maintenance

April 1959 - April 1959 - Internal Revenue St. Louis, Mo

LaPlante Beauty Salon - Beauty Operator - Kirkwood, Missouri

1959-1972

All State Distributor - Supply Clerk - St. Louis, Mo. 1972-1974

Aid to Victims of Crime - Volunteer Coordinator - St. Louis, Mo.

1974-1978

Annie Malone Children's Home - Director of Operations, St. Louis, Mo.

1979-present

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Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments other than those listed above.

None

Published writings: List the titles, publishers and dates of books, articles, reports or other published materials you have written.

None

Political affiliations and activities: List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last five years.

None

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

No

2. State whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

Yes

3. Has a commitment been made to you for employment after you leave Federal service?

No

4. Do you intend to serve the full term for which you have been appointed or until the next Presidential election, whichever is applicable?

Yes

Potential conflicts of interest:

1. Describe any financial arrangements, deferred compensation agreements or other continuing financial, business or professional dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other financial relationships which constitute potential conflicts of interest with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction which you have had during the last five years whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated.

None

4. List any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any Federal legislation or of affecting the administration and execution of Federal law or policy.

None

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

NA

Senator **Quayle**. Thank you very much.

First of all, I would like to welcome both of you —I just arrived here a short time ago—and particularly to pay special attention to my constituent. I still call him Dean Harvey, as was the dean of the Indiana University School of Law when I attended, and also a professor of evidence and several other courses I had the privilege of taking.

My wife was also in that student body at Indiana University. I believe that, at the time she was going, women were about 9 percent of the student body at the Indiana University Law School; now it is probably up to, what, 40 percent?

Mr. **Harvey**. Yes, sir, it is.

Senator **Quayle**. Close to 40 percent. Marilyn and I were talking about that last night, and she wanted to be remembered to you.

I speak from first-hand knowledge of Dean Harvey as an individual of great integrity, great ability, and someone that I have had the privilege to know not only as a teacher and a dean but also on a personal basis. I know his wife and his family.

I believe that the record will show that he does have impeccable credentials. He will fill the position for which he has been nominated with the highest degree of esteem and capability and dedication, as he has done in the past for all his other endeavors.

He has not been reluctant to assume responsibility, and I am sure that this responsibility will be assumed with a great deal of dedication, sincerity, and hard work, which have been the hallmarks of this very fine and distinguished gentleman we have before us today.

I do not know Ann Slaughter, but I place my confidence in the President and his nominations, but I do want the record to show my personal knowledge of Dean Harvey, and, without objection, I have a statement about Dean Harvey that I will insert in the record at this point.

[The prepared statement of Senator Quayle follows:]

Senator Dan Quayle

254 Senate Office Building
Washington, D.C. 20510
Telephone: Area Code (202) 224-5623

46 East Ohio Street, Room 447
Indianapolis, Indiana 46204
Telephone: Area Code (317) 269-5555

STATEMENT OF SENATOR DAN QUAYLE
NOMINATION HEARINGS
LEGAL SERVICES CORPORATION DIRECTORS

MAY 18, 1982

Mr. Chairman, we continue today with nominees who are well qualified to direct the Legal Services Corporation. Among these is one I would like to single out for a moment of recognition. Dean William F. Harvey is a distinguished attorney, a teacher, and an advocate of the first rank, and a man I have been honored to know personally since the beginnings of my own legal career.

Dean Harvey's record is here before each of us so I will not take the time to review all of his many accomplishments. After receiving his legal and graduate education at Georgetown University, Bill Harvey was Professor of Law at Washburn University in Topeka, Kansas. He wisely saw the light in 1968 and came to the Indiana University School of Law at Indianapolis. Not long after that he became Dean of the School, a position he filled with distinction for six years. In 1979 he was awarded the Academic Faculty's highest honor in receiving a named Chair, becoming the Carl M. Gray Professor of Advocacy. Dean Harvey is a Fellow of the American Bar Foundation, an advisor to the Indiana Legal Foundation, and now serves on the National Council on Quality in Education, an advisory panel to the Secretary of Education. He has authored numerous works, including his annual survey of developments in civil procedure and jurisdiction, which serves as the Bible for every practicing trial attorney in Indiana.

Dean William Harvey is what I would call "the lawyer's lawyer." Long before it was fashionable, Dean Harvey was calling for better preparation and more accountability by lawyers in the courtroom. As a director of the Indiana Continuing Legal Education Forum, he has demanded the best from the practicing attorneys in Indiana, and the best for their clients. As a former student of Dean Harvey's, I can attest to his demands for excellence from practitioner and student alike.

It is just a man such as this that we need to chair the Legal Services Corporation Board of Directors. William Harvey understands the importance of advocacy in the legal system. He understands the importance of this advocacy for all persons, regardless of income, social standing or political belief. As Dean Harvey has said, the provision of legal assistance has an extraordinarily important foundation in our society. The basis of the Legal Services Corporation is access to the judicial system. Access to the judicial system is the first principal which protects all of our other rights, and it is a principal which Dean Harvey has worked to preserve all his life.

As the result of Bill Harvey's personal efforts together with several other persons, funds continue to be available in Indianapolis for assisting those in need of legal services who cannot pay for them out of their own pockets. The General Counsel of the Indianapolis Legal Aid Society, Inc., Mr. Ray Shaffer, has recently written to me personally to attest to this personal commitment of Bill Harvey to Legal Services. As this representative of the Indianapolis Legal Aid Society has said, Dean Harvey's strong support for legal aid society programs has contributed greatly to their success.

Mr. Chairman, I am honored that we have an individual of Dean Harvey's caliber here before us today. I think he will make an excellent Director for the Legal Services Corporation, and a true advocate for access to our courts for all.

Senator QUAYLE. Also, without objection, I will insert in the record a letter that I have received from Bill Harvey concerning the testimony that was conducted on April 21, 1982. At that time, there were a number of statements that were made about Dean Harvey which could be answered only by Dean Harvey himself. At the conclusion of some of those statements I suggested to the people that were speaking in opposition that they certainly did not know Dean Harvey as I did.

I will insert this entire letter to me from Bill Harvey concerning statements that were made at that last hearing that we had on the Legal Services Board of Directors.

[The letter referred to follows:]

INDIANA UNIVERSITY
SCHOOL OF LAW

735 West New York Street
Indianapolis, Indiana 46202
(317) 264-8436 (317) 264-8523

May 12, 1982

Senator Dan Quayle
254 Russell Office Building
Washington, D.C. 20510

ATTEN: Mr. James W. Wolfe

Re: Senate Labor Hearing Committee on May 18, 1982, on Appointment to the Legal Services Board

Dear Senator Quayle:

When the Senate Labor Committee conducted hearings on the President's appointees to the Legal Services Corporation, on April 21, 1982, when I was not in attendance, certain testimony or statements were given, which said that as the Dean of this Law School I had opposed the creation of a poverty law clinic.

Specifically, it is my understanding that Mr. Bernard A. Veney, for the National Clients Council said that I had opposed the creation of a poverty law clinic, in that as the Dean I had "vetoed * * * acceptance of a state appropriation to create and operate a poverty law clinic." Mr. James S. Braude, from the National Organization of Legal Services Workers, said that I had "veto[ed] $250,000 funding for legal services clinic at Indiana University when [I] was Dean." Mr. Bari Schwartz of The Coalition for Legal Services, said that as the Dean of this Law School I had "personally vetoed the establishment of a poverty law clinic at the law school." And Schwartz said that the clinic "would have been funded by the state with an annualized grant of about $250,000" and that my so-called veto was a rejection of an expression of a commitment by the state to the legal needs of the poor. Similarly one Susan Kellock for the Equal Justice Foundation appears to have said that I have had "virtually no direct involvement with legal services programs." The Kellock statement serves as a predicate for other disinforming characterizations, all of which are very general, and totally inaccurate.

Those statements could not be more incorrect, more misinformative, or more nondescriptive of my past, and my course of conduct as the Dean of the Indiana University School of Law--Indianapolis, which I was from July 1, 1973 to July 1, 1979.

During that time, the time period spoken about by these persons, I was actively engaged in support for the Legal Aid

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Society of Indianapolis, and for the Legal Services Office of Indianapolis. Specifically:

1) The Legal Services Corporation of Indianapolis, now the largest in Indiana, was first incorporated by the Dean and faculty of this law school in 1969. My predecessor as the Dean is the signature officer on that act of incorporation. From that the present L.S.C. office here developed.

2) As the Dean, I was an appointing authority to the Board of Directors of the Legal Services Corporation of Indianapolis.

3) In 1971, over two years before I became the Dean of the Law School, a major dispute developed between the Indianapolis City-County Council and the Legal Services Organization of Indianapolis.

4) In that dispute, the Indianapolis City-County Council (I.C.C.C.), or certain persons therein wanted to remove the old H.U.D. Model Cities money from L.S.O., a sum of about $175,000, more or less. This was a political dispute between those two parties.

5) That dispute did have some impact on this Law School, because then as now the Law School maintained a clinical educational program for law students in the L.S.O. program, and in the Legal Aid Society of Indianapolis. There was a faculty member on this faculty in charge of that program in L.S.O. and in the Legal Aid Society.

6) When the faculty member learned about the dispute between L.S.O. and I.C.C.C., he suggested that the money from Model Cities be withdrawn from L.S.O. and placed under his direction, here in the Law School. As reported to me, that suggestion was made by him to a person on the I.C.C.C.

7) After I became the Dean in the summer of 1973, and learned about this, I strongly suggested that the faculty member discontinue in that conduct, for the reasons (a) that it would have withdrawn funds from L.S.O. or from the Legal Aid Society, and disserved the poor persons in this community because less rather than more, representation and assistance would have been available to them, and (b) it would have plunged the Law School and Indiana University into a major conflict of interest position in that the Law School would have been (i) supporting programs in L.S.O. and Legal Aid while (ii) attempting to defeat them at the same time, with the negative results on poor persons.

8) The funds which were to be withdrawn from aid for the poor (the old Model Cities program) remained available to them until they expired, through the Legal Aid Society of Indianapolis.

9) The simple fact is that as a result of my efforts, along with several other persons, approximately $350,000 continued to be available, between 1973 and 1977 for giving legal assistance to persons who were poor in the Indianapolis area, and especially in its inner-city, and in certain neighborhood offices. A leader in this preservation of funds was the Indianapolis Bar Association, and its officers of the time. Additionally, the law students in the Law School continued to have access and exposure to both the Legal Aid Society and the L.S.O. (which by then was under the L.S.C. Act of 1974), and those offices in turn continued to have the benefit of first-rate law students. In short, the dispute which arose between the Indianapolis City-County Council and the old L.S.O. Office was resolved in a way in which poor persons were assisted.

10) Enclosed please find a copy of a letter from Mr. Ray A. Shaffer, General Counsel of the Legal Aid Society of Indianapolis, dated May 10, 1982, addressed to me, in which he states the history of support for, and involvement with, legal aid for the poor which I had in those years; and which I have maintained ever since.

I request that you make Mr. Ray A. Shaffer's letter a part of the record of the hearings before the Senate Labor Committee, at my appearance on May 18, 1982, and I would be happy to answer any question from any member of the Committee on this subject (or any other). Indeed, I would be delighted to have the opportunity, in light of the disinformation which has been placed in the record by the persons referred to above.

I trust that it is appropriate to comment that whatever else those persons might be, I may conclude that they are students of George Orwell and his world of "Newspeak". To them it is that support for the poor, is not support for the poor; that support for funding of programs for legal assistance for the poor, is not support for funding of programs for legal assistance for the poor; that the refusal to engage in a conflict of interest to the detriment of the poor, is evidence of an attitudinal disregard for the interest of the poor; that a refusal to aggrandize at the expense of the poor is, in some way, a denial of the interest of the poor.

These things would not concern me, normally, except that here these persons hold themselves out as serious individuals who, without any consultation with me at any time, offer judgments which they hope will be considered by members of the Senate Labor

Committee. They urge the Committee, based on their Orwellian analyses, to reject the President's nomination of me as a member of the Legal Services Corporation Board of Directors.

I trust that they have not influenced you or your judgment, and I hope that you will be able to explain to your colleagues on the Committee that they too should not be influenced by them in their judgment and consideration of me.

With my respect and best wishes,

Very cordially,

William F. Harvey

William F. Harvey
Carl M. Gray Professor of Law

WFH:mb

Encl: Letter from Mr. Ray A. Shaffer
dated May 10, 1982

INDIANAPOLIS LEGAL AID SOCIETY, INC.
122 ENGLISH FOUNDATION BLDG., 615 NORTH ALABAMA
635-9538
INDIANAPOLIS, INDIANA 46204

May 10, 1982

Professor William F. Harvey
Indiana University School of Law
735 West New York Street
Indianapolis, Indiana 46202

Dear Professor Harvey:

I was recently made aware of certain accusations made against you that while serving as Dean of the Indiana University Law School at Indianapolis you actively discouraged the development of a clinical program at the school for the rendering of legal assistance to poor persons in our community. Needless to say, I was quite amazed that such a charge was made. My experience in working with you was indeed quite the opposite.

The Legal Aid Society since its inception in 1941 has maintained a very good working relationship with the Law School in providing a clinical program whereby students would work with our staff attorneys on a daily basis to provide legal assistance to those unable to pay for it. This relationship existed quite well during your term as Dean of the School.

During the period July, 1974 through December, 1977 the Legal Aid Society provided additional legal assistance from several neighborhood law offices under a contract with the Indianapolis Bar Association and the City of Indianapolis. Funds for this service were provided by the Department of Housing and Urban Development, Community Development Service, to the City of Indianapolis. You contributed a great deal toward our obtaining this contract during the early stages of negotiation. I feel that at least in part your strong support for this program contributed greatly to its success. You will recall that a specific provision in the contract itself provided for the utilization of senior law students. During the contract period students were in fact used to great advantage at our office. This obviously could not have been accomplished without your support and approval.

I sincerely hope that my remarks will correct the record and clearly dispel the false accusation made against you. Please make the contents of this letter available to any member of the Senate Labor Committee of the United States Senate of which Senator Hatch is chairman.

Sincerely yours,

Ray A. Shaffer
General Counsel

RAS/jl

Senator Quayle. Before I get into questions, I will yield to Senator Kennedy, who is under a time constraint, and allow him to proceed at this juncture.

Senator Kennedy. Thank you very much, Mr. Chairman.

I just have a few questions for Dean Harvey and Mrs. Slaughter, if I could.

I was wondering, dean, do you consider yourself representative of any of the categories enumerated in section 1004(a) of the Legal Services Corporation Act?

Mr. Harvey. Yes, sir, I do. I consider myself representative of educational persons who are designated in that category; also as a representative of the bar. I am a member of the bar of three jurisdictions, Indiana, Virginia, and the District of Columbia.

I would suggest to you, respectfully, that I would represent both of those categories.

Senator Kennedy. Tell us a little bit about your responsibilities with the Legal Services Corporation in Indianapolis from 1976 to 1979.

Mr. Harvey. From 1976 to 1979?

Senator Kennedy. Yes.

Mr. Harvey. Well, maybe we should go back further, I think, Senator, from 1974 to 1979.

Senator Kennedy. From 1974 to 1979?

Mr. Harvey. Yes, sir.

I was, from about 1976 or 1977, when the Corporation came under the authority of the Legal Services Corporation of the National Corporation, I was an appointing authority to the Board of Directors of that grantee program and effected appointments to the Board of Directors, the grantee program.

Second, I would guesstimate that perhaps 80 percent of all of the attorneys functioning in that program were trained, were lectured to, by me.

Third, I very actively supported and placed law students in that program as student employees or student workers during that period of time. That was, essentially, the relationship.

Senator Kennedy. Did you perform the major duties associated with your position or did you delegate any of them to subordinates?

Mr. Harvey. Delegated. The appointments were faculty members. I think that is what you mean.

Senator Kennedy. Yes.

Mr. Harvey. Faculty members to the Board of Directors of the Legal Services Corporation.

Senator Kennedy. Have you had any direct or indirect contact with any other legal service programs?

Mr. Harvey. Oh, yes, sir, I have, considerable, in Indiana, legal service program in Ft. Wayne, program in South Bend, program in——

Senator Kennedy. What was the nature of your contact with those programs?

Mr. Harvey. Well, the most recent contact, Senator Kennedy, was a rather extensive lecture which I gave to all those project directors, to all their staff workers— approximately 70 persons were there—at the end of March at the law school in Indianapolis concerning Legal Services Corporation and its development and its work.

Additionally, I consult frequently with those persons in those programs. I guess the last time was—this is Tuesday—Thursday or Friday of last week.

Senator **Kennedy**. This contact involves primarily lecturing to these people?

Mr. **Harvey**. Today it is, that is right; lecturing in the law. Almost all the lawyers who are workers in those programs sooner or later take the Indiana bar examination, and I do lecture in that activity.

Senator **Kennedy**. Is this in poverty law?

Mr. **Harvey**. No, there is no specific area called poverty law in that examination, but, in a very real sense, the areas in which I do lecture are the essence of poverty law, which is principally civil procedure and appellate practice and appellate procedure. The treatises I have written in that State are widely used, and they serve as a model for the rules of practice in the small claims courts of Indiana where a person who is poor may appear without representation of counsel, which is a major gain, I might say, for poor persons who have litigation problems within an established or determined range of dollar amount of litigation.

Senator **Kennedy**. Does a poverty law clinical program now exist at Indiana University?

Mr. **Harvey**. Yes, it does. We have had one for a very long time.

Senator **Kennedy**. Were you involved in establishing the program?

Mr. **Harvey**. Yes, I was.

Senator **Kennedy**. Do you want to tell us a little bit about that?

Mr. **Harvey**. Yes, certainly, I will be glad to.

The Legal Services Corporation, the present form of the corporation, Senator Kennedy, was in fact incorporated by us as law school faculty persons and by my predecessor as the dean of the law school in 1969. The original corporate form still shows the signatory power on that as the former dean.

The Corporation evolved under the old OEO program into its present condition in 1975. Paralleling that particular time, the law school deans and faculty maintained, and still maintain, substantial programs in which students are working in both the Indianapolis Legal Aid Society and in the Legal Services Corporation.

Credit is given for that work. It is a cocurricular or external program of work.

Senator **Kennedy**. How much credit do you give them for it?

Mr. **Harvey**. Two hours. Two hours a semester, maximum. They can earn a maximum of 8 hours in their law school career. We have the largest student enrollment in the State of Indiana in that law school.

Senator **Kennedy**. How were you involved in developing that program?

Mr. **Harvey**. Well, I very substantially pushed and supported the development of this program. I was one of those persons who powerfully supported the participation of students in law offices, law function, law work in the city of Indianapolis, and these are two of the offices.

Senator KENNEDY. Can you tell us a little bit about the nature of your association with the Pacific Legal Foundation?

Mr. HARVEY. Yes.

Senator KENNEDY. What were your responsibilities and duties?

Mr. HARVEY. My association is that I am an educational adviser to an educational program which that foundation maintains. It is entirely, as I said in my statement, a pro bono relationship. There is no quid pro quo of any kind. I was invited to be that; that is to say, an educational adviser, along with law school and other faculty members from the other universities I have identified.

That is the association I have today. Previously, that is to say, in 1978, I was invited to write a brief in support of Mr. Bakke in his struggle for admission to medical school without racial discrimination, and I did, and it was submitted to the Supreme Court amicus curiae by the Pacific Legal Foundation, and that is my relationship.

Senator KENNEDY. Do you see any conflict between the Board and maintaining a relationship with the foundation?

Mr. HARVEY. Oh, no, I do not think there is any conflict at all.

Senator KENNEDY. I am talking about, if you are approved for the Board.

Mr. HARVEY. No, sir, I don't think so. I have looked at this question rather carefully. There is, of course, statutory language in the act which speaks about conflict of interest. I think the section is 1005. There are rules and regs in 45 CFR published by the Corporation on this, and those are guidelines to which I allude in saying that I do not anticipate a conflict of interest, but if there were a time, or a time should arise, when there would be in some respects some kind of grant by Legal Services Corporation which would have any influence or affect on PLF, I would recuse myself from participation on that grant activity.

Senator KENNEDY. You are not at all troubled by the goals and the political philosophy of the foundation—don't they differ with those of the Legal Services Corporation? Do you feel completely comfortable in continuing to maintain whatever kind of relationship with the Pacific Legal Foundation?

Mr. HARVEY. I understand, Senator. I think that, insofar as goals and philosophy are concerned, the Pacific Legal Foundation, I would suggest, if I might, consultation with its board of directors. I do not establish policy for the foundation.

But as I best understand the goals and principles of Pacific——

Senator KENNEDY. You do acknowledge the direction of the foundation and the philosophy of it, even though you were not involved in the establishment of the foundation. I am just trying to get some insight into this philosophy.

Mr. HARVEY. Yes. Pacific Legal Foundation represents a wide variety of persons who are poor, who are destitute, who need effective assistance of counsel—low-income workers, farmworkers, that kind of thing.

Senator KENNEDY. Is that what it is sort of known for, though? I mean, is that its primary commitment and philosophy, to represent——

Mr. HARVEY. Yes, it is, that is right. It is exactly that, and it is a foundation which engaged in impact litigation insofar as individuals are concerned and principles of law are concerned. It is, in that respect, entirely consistent with Legal Services Corporation, each being designed to support access to rights recognition and access to rights enforcement.

Senator KENNEDY. Finally, professor, could you tell us a little bit about your own view of the importance of needy people in our society getting adequate representation through the court system. Could you talk a little bit about that and about the nature of your own commitment and concern about that philosophy in our own society, and how you see your own service on the Board in carrying that philosophy through?

Mr. HARVEY. Yes, I would be happy to do that. I think that access to rights recognition and rights enforcement is the single most important principle which we can maintain and which is available as a right to persons. I think that it overarches all over civil and political rights because, very simply, without access to the enforcement mechanism, those rights very likely, probably, would become ineffective, however beautifully stated they are in either textual form or decisional order.

So I think it is the first right among rights and it is of extraordinary significance. That is the essence of my—I think you are asking for a kind of philosophical position, and that is the philosophy to which I subscribe.

I think that that right, Senator Kennedy, is very, very important, not because of any utilitarian impact or result. I think it stands on its own for individuals irrespective of the particular consequence in a particular disposition. The right is that significant. That is how I evaluate and appreciate it.

Senator KENNEDY. I want to thank you for your statement. I am not sure we would be completely in agreement about the philosophy or the purpose of the Pacific Legal Foundation, but there is obviously room for agreement and difference about that issue, but I appreciate your response to the questions and your last response in terms of your own commitment.

Mr. HARVEY. Thank you very much.

Senator KENNEDY. We appreciate it.

Mr. Chairman, I just had just a couple of questions. I appreciate your indulgence. I am supposed to meet with the chairman of the committee in just a few minutes. Otherwise, I had planned to be here for the course of the meeting, and if I could just inquire briefly of the other nominee, if that is OK.

Senator QUAYLE. Feel free to proceed. I've got all morning.

Senator KENNEDY. Mrs. Slaughter, just on this question of the representation required in the act, do you consider yourself representative of any of the enumerated categories? Those are the categories which are established within the statute to try to reflect Congress sense as to who should be members of that Board. Are you familiar with the categories?

Mrs. SLAUGHTER. Yes, I am.

Senator KENNEDY. And do you consider yourself representative of any of the categories?

Mrs. SLAUGHTER. Yes, I think that I could classify, as an eligible client under certain circumstances. I think I have said that I have dependents, six grandchildren. My son is unemployed, has five children, and my younger son has one child. My eldest son was with the Chrysler Corp. in St. Louis, and he has been laid off for the year of 1981, and with one salary I have had to help with the support of most of those children.

Senator KENNEDY. You are aware that under the eligibility standards there are certain requirements for the LSC clients. I certainly am aware of your background and your involvement in the community in a variety of different works. However, the issue has been raised by some of the groups as to whether you really fulfill the requirements for client representation.

I think you have mentioned some of the reasons why you think that you would be particularly responsive to those client needs. Is there anything further you want to add on that point?

Tell me, have you had any direct contact with Legal Service programs?

Mrs. SLAUGHTER. During the time that I was working with the crime victims program, the Legal Services Corporation was in the same building, and I had occasions to refer crime victims to the Legal Services for help. This was during 1976 and 1977.

Senator KENNEDY. Do you intend to acquaint yourself with these various programs?

Mrs. SLAUGHTER. I have. I am within walking distance of the Legal Services Corporation in my area, and I have, on several occasions since I have been appointed, visited the office, and I intend to participate with them.

Senator KENNEDY. Very fine. We want to welcome you here to the committee. Thank you for your responses.

Mrs. SLAUGHTER. Thank you.

Senator KENNEDY. Thank you, Mr. Chairman.

If we could maybe submit some other questions in writing, I don't want to provide an undue burden on any of the nominees, but there may be some questions from some of our colleagues here that are unable to be here this morning, and if we could do that, Mr. Chairman, I would appreciate it.

Senator QUAYLE. Why don't we keep the record open for questions and statements until 5 o'clock this afternoon?

Senator KENNEDY. Yes, for the questions, and then we can get the responses.

Senator QUAYLE. Yes, then they can submit it by 5 o'clock this afternoon.

Senator KENNEDY. Thank you very much.

Senator QUAYLE. I have just one question for both of you.

Dean Harvey, you expounded a little bit on your own philosophy to Senator Kennedy, but I wonder if you might amplify for the record the reasons that you desire to serve on the Legal Services Corporation, beyond the fact that the President of the United States has asked you to serve. From a personal point of view, I wonder if each of you might state the reasons for wanting to serve on this Board, and what kind of a contribution each of you can make to the Legal Services Corporation.

Mr. HARVEY. Yes, sir, I would be happy to do that.

The principle, Senator, of representation or assistance of counsel to persons who are poor antedates the existence of the statute which created this particular corporation by at least 100 years. It runs deep into the 19th century, and as that principle began to evolve, it evolved as, really, a great moral standard, which today it still is. It is really the support base for all positive law such as statutory law, and it is, I think, the finest principle which the American legal profession has evolved.

I am completely in sympathy with and supportive of that principle. The principle is that persons in a law enforcement system where the State maintains a complete monopoly—and that is, of course, what it is—that persons must have access, untrammeled access, to the enforcement system in order to protect and effectuate those rights which are recognized.

As I said, that is really a great moral principle. I use that not in a moralistic sense but as an abiding principle of conduct to which all persons in the legal profession subscribe. One does find that that principle has outlet in the canons of professional responsibility and judicial responsibility.

That, I think, is the question you are asking there in the first part. Insofar as the second part is concerned, as to my own contribution to it, that has, quite frankly, been almost all of my professional legal career; it has been in one way or another devoted to the principle I have just articulated.

It was, if I might say so, for that reason that I did not, a long time ago—longer ago than I prefer to admit to—accept a couple of invitations to join a couple of law firms in this very city but went into law teaching, with those thoughts and purposes in mind, and I certainly have never regretted that, nor the great opportunity to teach great students, two of whom you have identified this morning. [Laughter.]

Senator **Quayle**. Thank you. Thank you very much.

Mrs. Slaughter?

Mrs. **Slaughter**. For most of my life, 25 years, I have lived with the poor; I have worked with them; I am sensitive to their needs; I know what their needs are. As I say, I am in the community. I participate in most of the programs that deal with poverty, and I consider myself a part of that community, and I would bring the experience and expertise to Legal Services.

Senator **Quayle**. Mrs. Slaughter and Dean Harvey, I thank both of you. Dean, you have lived up to your fine reputation that has preceded you.

I look forward to voting favorably for both of you in the committee and on the floor of the U.S. Senate.

I wish you well. You are undertaking a large but very important responsibility on this appointment to the Legal Services Board of Directors. I believe, as Dean Harvey pointed out, that access to legal services is really a "right of rights." It is very important to have the law enforcement process available to those Americans who perhaps would not have it otherwise.

So I look forward to voting for you. I wish you well; I am sure that you will do well. The President has placed his confidence in you, and I am sure that you will not let him down. We have great expectations for your discharging your professional, and now public, responsibilities for this appointment.

Mr. **Harvey**. Thank you very much, Senator.

Mrs. **Slaughter**. Thank you.

Senator QUAYLE. You are very welcome. You may be excused.

The record will be open until 5 o'clock for questions.

Now, the staff informs me that the committee has made the commitment that Maggie Kuhn, national convener of the Gray Panthers, will be allowed to testify. That is what I am told. Is she here?

Good morning.

Ms. KUHN. Good morning.

Senator QUAYLE. You may proceed.

STATEMENT OF MAGGIE KUHN, NATIONAL CONVENER OF THE GRAY PANTHERS

Ms. KUHN. I am Maggie Kuhn, the national convener and founder of the Gray Panthers.

I am very glad for the opportunity to testify before this committee and present the views of the Gray Panthers about community legal services and the members of the Corporation Board whom the President has nominated to oversee those services.

Gray Panthers are a national group of old and young people working together for justice and social change and the elimination of all forms of discrimination on the basis of age. There is much to be done in our society because of pervasive agism, sexism, and racism, linked in economic oppression.

We have 120 local groups in 40 States and have been working with many grassroots groups concerned with poverty, alienation, and age. Such matters as health, housing, income maintenance, institutional neglect and abuse, guardianship have been our consistent and continuous concerns.

We have worked with the attorneys of the senior citizens law center and their network of legal services across the country and have greatly appreciated their counsel and assistance. We deplore the cutbacks in their budget and have protested those cutbacks.

With the burgeoning numbers of older people in America today—more than 25 million of us over the age of 65—and the complex problems that we face as survivors to survive the severe cutbacks and budget transfers, we have endured shortcuts of our access to those legal services, and without access to them, there is no justice for us.

I have studied the President's nominations to the Corporation Board and the guidelines for the composition of the Board and question the dominance of lawyers, the absence of client representation, and the nomination of only one woman.

The legal problems which the Board will oversee are complex, requiring a broad range of legal experience as well as the highest degree of integrity and professional competence. The legal problems of the elderly and the poor cannot be handled without knowledge and understanding of the very complex governmental systems involving housing, social security, health, and human services, and especially the aging services.

I urge the committee to be meticulous in screening each nominee for integrity, avoidance of any taint of conflict of interest, and knowledge of government systems and fundamental commitment to people's law.

Without such screening, I foresee embarrassment to the President, the oldest President in history, who should be the advocate of his peers, not a detractor or enemy. By careful screening and wise selection of Corporation Board members, legal services for the poor and the elderly can maintain the quality and integrity of service that we have a right to expect in America.

For millions of older people in the United States, access to services is a matter of survival. How a society treats and regards its elders is a measure of its greatness or its decline and decadence.

I have prepared a statement which you have before you, and I excerpt parts of it to highlight my points.

The Gray Panthers, at our convention in December 1981 in Washington, D.C., adopted the following resolution:

> That the Gray Panthers urge the President and the Congress of the United States to restore full funding cuts to the Legal Services Corporation and continue full funding with no restrictions; and further, there be appointed a Board of Directors which will be committed to the continual provision of the full range of quality legal services to the poor.

This is an unequivocal endorsement of the Nation's continuing commitment to equal justice for all. I believe that it represents more than our own membership, and indeed the great majority of older persons in the United States.

Further, the 1981 White House Conference on Aging adopted a resolution urging that the Legal Services Corporation be continued without restriction on the quality of services rendered and with funding sufficient to provide high quality of free legal services to those who cannot afford it, and to make those services accessible wherever older persons live. At least 6 of the 14 conference committees independently adopted similar resolutions in support of legal services programs.

Whether we like it or not, the Government with its laws and rules affects everyone in our society from the Federal to each of the several States. Corporations have batteries of lawyers to deal with the Government. Unions have lawyers. Medium-income individuals hire lawyers when they need them. The Government has its own lawyers.

Older Americans are no different. In fact, they must deal with rules and procedures almost daily in matters which affect them drastically. They confront the usual problems of limited-income people in dealing with their landlords, home ownerships, or fraudulent consumer contracts, traffic accidents, or income taxes, but beyond this, older persons have additional problems when they deal with the social security system or with SSI or seek health care under medicare or medicaid.

An older person may confront pressure to enter a nursing home because he or she cannot fully provide self-care. Although homemaker chore systems might help that person to remain in independent living, that kind of assistance may not become available without lawyers and paralegals and community outreach on behalf of that person.

The Legal Services Corporation has given us an effective program toward equal justice for older persons. The Corporation, however, will continue to be effective only if it is run by persons who share our commitment and the commitment of Congress to a program which offers the full range of quality representation of clients. The President's nominations to the Board fall sadly short of that standard, and we urge this committee to let the President know of our disapproval.

Apart from the qualifications—or lack of qualifications—of individual candidates, the slate of nominees is grossly lacking in the representation among women, eligible clients, and people personally involved in the delivery of legal services, as I have said before. Beyond this, at least three of the nominees clearly lack the kind of commitment necessary for service on the Board and should be rejected.

The nomination of William Olson to the Legal Services Corporation Board is nothing short of shameful. If legal services programs are to be effective on behalf of clients, it must be run by Board members who have at least three vital qualifications. The first is unequivocal support for the program; the second is the backbone to show political independence; and the third is a working knowledge of the program itself.

Mr. Olson fails on all three counts. He does not prove personal support for the LSC. In fact, he was a member of the President's transition team who urged that it be abolished. What is more, I understand that he refuses to produce the report that was written by the transition team unless the White House allows him to do so. If he is sincere in his recent "conversion," quote, unquote, to legal services, let him produce the report for questioning by this committee.

The newspapers were full of information last January 1 about how Mr. Olson convened a meeting of the President's nominees without adequate notice of anyone else, with apparent prompting from the White House. Mr. Olson does not show any knowledge of the way legal services are provided for poor people. He told this committee that he speaks regularly about legal services with Howard Phillips, who has long been an enemy of the program and probably understands it least of anyone.

The problems with Mr. Paras 'public remarks of a racist nature are already known, and we hope that he will withdraw his nomination as Mr. Sandstrom has already done.

But the problem with Mr. Olson still remains. He opposes the Legal Services Corporation, and he takes his cues from the White House. His conduct is an affront to this committee, and the committee should oppose his nomination.

We do not mean to suggest opposition to all of the nominees. Indeed, many of the remaining nominees appear to be respected, professional individuals who will exercise their duties as Board members carefully and responsibly. The Gray Panthers welcome appointments of competent and concerned people with willingness to devote time for the public good in order to provide this important public service.

In conclusion, I want to stress just how crucial legal services may be to securing the necessities of life for many of my peers—indeed, for our survival. Legal services make possible decent and fair living conditions for us all.

Full support of this program and full support by the people who run it are vital to this important end.

I thank you, Mr. Chairman, and members of your committee, for considering our Gray Panther views.

[The prepared statement of Ms. Kuhn follows:]

TESTIMONY OF MAGGIE KUHN, NATIONAL CONVENER OF THE GRAY PANTHERS

I am Maggie Kuhn, National Convener of the Gray Panthers, a coalition of old and young people working together to eradicate age discrimination and ageism. We are most appreciative of the opportunity to appear before the Committee today.

The Gray Panthers is a non-profit organization incorporated in Pennsylvania with headquarters in Philadelphia. We have a membership of approximately 40,000 persons who reside throughout the United States. Our members seek to advance the income security, health and independence of older persons by making sure that various laws and institutions in this country are properly sensitive to human needs.

The Gray Panthers at its national convention in November, 1981, adopted the following resolution:

> That the Gray Panthers urge the President and the Congress of the United States to restore full funding cuts to the Legal Services Corporation and continue full funding with no restrictions; and further, there be appointed a Board of Directors which will be committed to the continual provision of the full range of quality legal services to the poor.

This is an unequivocal endorsement of the nation's continuing commitment to equal justice for all. I believe that it represents more than our own membership, and indeed the great majority of older persons in the United States. The 1981 White House Conference on Aging, for example, adopted a resolution urging that the Legal Services Corporation be continued "without restriction on the quality of service rendered and with funding sufficient to provide high quality free legal services to those who cannot afford it, and to make those services accessible wherever older people live." At least six of the conference committees independently adopted similar resolutions in support of our legal services program.

You may ask why it is that legal services is so important to older Americans. Whether we like it or not, the government with its laws and rules affects everyone in our society from the federal to the state level. Corporations have batteries of lawyers to deal with the government. Unions have lawyers. Medium income individuals hire lawyers when they need them. The government has its own lawyers. Older Americans are no different, and in fact they must deal with rules and procedures almost daily in matters that affect them drastically. They confront the usual problems of limited income people in dealing with their landlords, or home ownerships, or fraudulant consumer contracts or traffic accidents or income taxes and insurance policies. Beyond this, many older persons have additional problems when they deal with Social Security or SSI, or seek health care under Medicaid and Medicare. An older person may confront pressure to enter a nursing home because he or she cannot fully provide self-care. Although homemaker chore systems might help that person remain in independent living, that kind of assistance may not become available without lawyers and paralegals and community outreach on behalf of that person.

We cannot talk just abstractly about all of this. We must remember that for hundreds of thousands of older persons, having access to the law means having access to basics of food and shelter and medicine. It is no wonder that the legal services program assisted over 200,000 older individuals last year alone.

The Legal Services Corporation has given us an effective program toward equal justice for older persons. The Corporation, however, will continue to be effective only if it is run by persons who share our commitment and Congress' commitment to a program which offers the full range of quality representation of clients. The President's nominations to the LSC Board fall sadly short of that standard, and we urge this Committee to let the President know of our disapproval.

Apart from the qualifications -- or lack of qualifications -- of individual candidates, the slate of nominees is woefully lacking in representation among women, eligible clients, and people personally involved in the delivery of legal services. Beyond this, at least three of the nominees clearly lack the kind of commitment necessary for service on the LSC Board and should be rejected.

The nomination of William Olson to the Legal Services Corporation Board is nothing short of shameful. If legal services programs are to be effective on behalf of clients, it must be run by Board members who have at least three vital qualifications: the first is unequivocal support for the program; the second is the backbone to show political independence; and the third is a working knowledge of the program itself.

Mr. Olson fails on all three counts. He does not prove personal support for the LSC and in fact was a member of the President's transition team who urged that the LSC be abolished. What is more, I understand that he refuses to produce the report that was written by the transition team unless the White House allows him to do so! If he is sincere in his recent "conversion" to legal services, let him produce the report for questioning by this Committee. To let someone like Mr. Olson go one more step toward the Board is to let the cat mind the cream. Any older person in this country will tell you that is folly.

Mr. Olson has not demonstrated any independence from a White House and a President who do not fully support justice for the poor. The newspapers were full of information last January 1st about how Mr. Olson convened a meeting of the President's nominees, without adequate notice to anyone else, apparently at White House prompting.

Mr. Olson does not show any knowledge of the way legal service is provided to poor people. He told this Committee that he speaks regularly about legal services with Howard Phillips, who has long been an enemy of the program and probably understands it least of anyone. It would be interesting to learn whether Mr. Olson has bothered to visit just one legal services program or to talk with just one legal services client.

There are problems with other nominees which have been well publicized. Mr. Sandstrom's many conflicts of interest are well known and I understand that he has withdrawn his nomination very recently. The problems with Mr. Paras' public remarks of a racist nature are also well known, and we hope that Mr. Paras would withdraw his nomination. But the problem of Mr. Olson still remains. He opposes the LSC; he takes his cue from the White House; he talks to Howard Phillips and nearly no one else about the program; and then he has the audacity to come before this Committee and say that he is committed to support the Legal Services Corporation. It looks to me as if Mr. Olson is trying to run with the hare and hunt with the hounds. That is offensive to this Committee, to the program and to its clients. His conduct is an affront to this Committee and the Committee should definitely oppose his nomination. That nomination must go no further.

We do not mean to suggest opposition to all of the nominees. Indeed, many of the remaining nominees appear to be respected, highly professional individuals who will exercise their duties as Board members carefully and responsibly. The Gray Panthers welcomes appointments of competent and concerned people with willingness to take time from their busy schedules in order to provide such an important public service.

In conclusion, I want to stress just how crucial is legal services to securing the necessities of life for many older Americans. Legal services make possible decent and fair living conditions for all of the country's citizens. Full support of this program, and full support by the people who run it, are vital to this end.

I thank the members of this Committee for considering our views.

Senator Quayle. Thank you.

The Chair will announce again that the record for questions will be open until 5 o'clock, so the staff can inform Senators if they have questions or statements that they wish to make about the nominees until 5 o'clock this afternoon, then those questions can be answered.

[Questions and responses submitted for the record follow:]

LEGAL SERVICES CORPORATION
733 Fifteenth Street, N.W., Washington, D.C. 20005

Writer's Direct Telephone
(202)

May 20, 1982

The Honorable Jeremiah Denton
Committee on
Labor and Human Resources
United States Senate
Washington, D.C. 20510

Dear Senator Denton:

Thank you for your questions addressed to me as a nominee to the Board of Directors of the Legal Services Corporation. I hope you will find the enclosed answers responsive to your inquiry.

I understand that the subcommittee you chair has oversight responsibility with respect to the Corporation. I look forward to the opportunity to discuss the challenges facing our Board of Directors with you.

Very cordially,

William F. Harvey

William F. Harvey
Chairman
Board of Directors

cc: Senator Orrin Hatch
Members of the Legal Services Corporation
Board of Directors

QUESTIONS SUBMITTED BY
THE HONORABLE JEREMIAH DENTON,
UNITED STATES SENATE

ANSWERS BY PROFESSOR WILLIAM F. HARVEY
CHAIRMAN, BOARD OF DIRECTORS
LEGAL SERVICES CORPORATION

SENATOR DENTON'S QUESTION:

1. The Legal Services Corporation has engaged in questionable activities and as a consequence has had numerous restrictions placed on it by the Congress. In the past, the Corporation has either actively sought loopholes in these restrictions or ignored them altogether. In a recent lawsuit against the LSC, in which I was plaintiff, the court ruled that there was no private right of action against the Corporation to enforce these restrictions. The result of this is that the only entities that can police the LSC are the Congress, through funding cuts and denial of reauthorization, or the Legal Services Corporation itself. Despite abundant evidence of these abuses, the Congress has not taken any real action to control or limit the questionable activities of the Corporation. Certainly, up until now the LSC itself has had no inclination to do this. What do you, Mr. Harvey, plan to do about carrying out existing restrictions on activities of the Corporation?

PROFESSOR HARVEY'S ANSWER:

1 This is a matter which is now under very careful investigation by Acting President Gerald Caplan, at my request, and at the request of other members of the Board.

It concerns one of the most important areas in the Legal Services Corporation, and it is quite clear that, in the past, many complaints about violations have been made to the Corporation and to members of Congress.

Pending a full report and the Board's disposition, I intend to see that the existing restrictions on the activities which are limited or proscribed under the statute are, in fact, carried out and honored in full.

SENATOR DENTON'S QUESTION:

2. Mr. Harvey, I strongly believe that the poor have legitimate legal needs, needs which must be met. However, I fail to see why there must be Federal involvement to the tune of $241 million to a Corporation which misuses the funds and abuses the intended mandate of the Congress in spending the money. In my judgment, the primary responsibility for ensuring equal justice rests with the private bar and not with the government. What does this Board of Directors for the Legal Services Corporation plan to do to increase the involvement of the private bar in a significant, and I underline that word significant, way?

PROFESSOR HARVEY'S ANSWER:

2. This question is addressed to me, but it does, of course, speak to the entire Board membership. This is one of the items which will be set for an early meeting of this Board, hopefully for this summer or early fall.

In a time of Federal fiscal constraints, and in all times, it is most important that the Legal Services Corporation assist and stimulate the pro bono activities of the private bar. Our predecessors recognized that fact in FY 1982 and required that each L.S.C. grantee devote a "substantial amount of its Basic Field grant award to provide the opportunity for the involvement of private attorneys in the delivery of legal assistance to eligible clients." Early reports indicate that in many communities, the private bar is responding very enthusiastically to this challenge, and I have personal knowledge that this is occurring in Indiana in two of its programs.

I cannot presume to speak for our full Board, but several members believe that we should give high priority to further stimulation of private bar activity on behalf of those who cannot afford compensated counsel.

The 550,000 attorneys in the United States represent a tremendous resource toward achieving our goal of equal access to justice. I pointed out in my acceptance speech, when elected chairman of the recess Board, that the Federal provision of funds for legal assistance for the poor does not in any way alter or remove the duty our legal profession recognizes as resting ultimately on the individual members of the bar.

INDIANA UNIVERSITY
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May 11, 1982

QUESTIONS SUBMITTED BY
THE HONORABLE PAULA HAWKINS OF FLORIDA
UNITED STATES SENATE
FOR LEGAL SERVICES CORPORATION NOMINEES

ANSWERS BY PROFESSOR WILLIAM F. HARVEY
CHAIRMAN, BOARD OF DIRECTORS
LEGAL SERVICES CORPORATION

SENATOR HAWKINS' STATEMENT & QUESTION:

In Florida, the Florida Bar Association has instituted an innovative method of financing legal assistance to the poor. Basing their program on British and Canadian programs, the Florida Bar petitioned the Internal Revenue Service for permission to use the interest income from small, short term escrow accounts to finance the legal aid and legal education scholarships administered by the Florida Bar Foundation. The I.R.S. approval of this program took several years and the program was only formally established on Sept. 1st of last year, but already 1,000 attorneys in Florida have signed on to participate in the program and several state bar associations have expressed interest in starting a similar program.

The Florida Bar Association estimates that they will raise about $1 million from the current participants in this program and that they could raise as much as $12-20 million if half of the 30,000 Florida Bar members participated.

1. What do you think of this proposal as an alternative for financing legal aid to the poor?

PROFESSOR HARVEY'S ANSWER:

1. In my judgment, the new Florida system, set out in your question, has promise in it, and it might indeed be the future--insofar as funding is concerned--for legal assistance for the poor. There appears, however, to be a problem which is that interest taken from funds on deposit, might constitute an illegal taking of property.

This plan is discussed in an article, Brill, "An Rx For Scrapping LSC" The American Lawyer, May 1982. I do not, of course, subscribe to Mr. Brill's characterizations of persons, but the facts set out in the article are interesting.

SENATOR HAWKINS' QUESTION:

2. The Florida system is voluntary, but I understand that the California Bar is considering a mandatory plan. Do you feel that this system should be mandatory to assure stable funding?

PROFESSOR HARVEY'S ANSWER:

2. I strongly prefer a voluntary system, as a general rule. There are examples, however, of mandatory payment programs, which result in the improvement of the legal profession, and in this instance might result in an assured funding, on a state level, for legal assistance for the poor. One example of such a mandatory-but-professional program is the Indiana Disciplinary Commission, which is funded pursuant to order from the Indiana Supreme Court, and Court Rule A.D. & Disp. Rule 23 §21. The effect of the Order and Rule is that all attorneys in Indiana contribute a sum of money each year, paid to the Clerk of the Court. The total amount funds the Supreme Court's Disciplinary Commission on an annual basis.

SENATOR HAWKINS' STATEMENT & QUESTION:

During the 96th session of Congress, a restriction was placed on the appropriations bill that stated "none of the funds appropriated in this title may be used to carry out any activities for or on behalf of any individual who is known to be an alien in the United States in violation of the Immigration and Nationality Act or any other law, convention, or treaty of the U.S. relating to the immigration, exclusion, deportation, or expulsion of aliens."

I would think that this was a very straight forward prohibition against L.S.C. attorneys from representing illegal aliens. However, the General Counsel of the Legal Services Corporation has interpreted this restriction as applying only to aliens that have completed adjudication and whom a final order of deportation is outstanding which is not subject to further judicial review.

3. Do you feel that this legal interpretation is circumventing Congressional intent?

PROFESSOR HARVEY'S ANSWER:

3. I believe that the General Counsel's interpretation should be carefully reviewed, and it is under reconsideration. Additionally, the concern which you have expressed is also held by persons in the Immigration and Naturalization Service of the U.S. Department of Justice. They believe that the Related Agencies Appropriat[illegible] Act 1980, P.L. 96-68, 93 Stat. 433 and the Continuing Appropriations Act for Fiscal Year 1981, P.L. 96-536, and the certain restrictions found therein, have not been followed.

Additionally, there are other areas in which Congressional restrictions seem not to have been sufficiently understood or recognized in or by L.S.C. personnel, or that certainly is the charge which has been made. For example, Acting Comptroller General of the United States Mr. Milton J. Socolar addressed a letter to the Honorable Peter W. Rodino, Jr., dated May 1, 1981, and to the Honorable F. James Sensenbrenner, Jr., dated May 1, 1981, which stated, generally speaking, that the activities of L.S.C. and its recipients constituted "grass roots" lobbying in violation of provisions of the L.S.C. Act of 1974 as amended, 42 U.S.C. § 2996 et seq. That opinion was strongly disputed by then President Bradley, on May 11, 1981 in a letter addressed to Mr. Milton J. Socolar.

The entire matter is under review now by Acting President Jerry Caplan, and his staff, and our Board and its appropriate Committee.

BEST COPY AVAILABLE

SENATOR HAWKINS' STATEMENT AND QUESTION:

As you know, there has been a great deal of Congressional activity to redefine this prohibition to make it more effective. The House amendment differs from the restriction the Senate placed on the vetoed Continuing Resolution in that the House version places an affirmative duty upon LSC attorneys to ascertain a clients eligibility before services are rendered.

4. Do you feel that this additional duty is necessary to prevent L.S.C. attorneys from circumventing the intent of the law by intentionally not asking whether the client is legally in the U.S.?

PROFESSOR HARVEY'S ANSWER:

4. I feel that the additional language might be helpful if that is the desire and the intention of the Congress.

The fundamental question seems to be whether L.S.C. attorneys would honor the restriction, and of course it would be my hope that, as members of the Bar, they would honor it. Beyond that, as a Board member I would hope to assure compliance with the statutory mandate of the Congress.

Finally, the question is disturbing, in that it does suggest that L.S.C. attorneys have not in some instances been faithful to the statute's intention. However, I would want to examine this question before attempting to develop a judgment on it.

QUESTIONS SUBMITTED BY
THE FOLLOWING MEMBERS OF
THE UNITED STATES SENATE:
HONORABLE EDWARD M. KENNEDY
HONORABLE JENNINGS RANDOLPH
HONORABLE CLAIBORNE PELL
HONORABLE THOMAS F. EAGLETON
HONORABLE W. RIEGLE
HONORABLE HOWARD M. METZENBAUM

ANSWERS BY PROFESSOR WILLIAM F. HARVEY
CHAIRMAN, BOARD OF DIRECTORS
LEGAL SERVICES CORPORATION

SIX SENATORS' QUESTION:

1. The Legal Services Corporation Act requires that no more than six members of the Corporation Board shall be of the same political party. Of what political persuasion are you?

PROFESSOR HARVEY'S ANSWER:

1. I am a registered voter in the Republican Party in Indiana.

SIX SENATORS' QUESTION:

2. What steps have you taken to acquaint yourself with programs funded by the Corporation? Have you personally visited legal services projects? If not, will you commit yourself to doing so?

PROFESSOR HARVEY'S ANSWER:

2. (a) I have personally visited legal services programs in Indianapolis.

   (b) I have spoken with Project Directors of the legal services programs in Indiana.

   (c) I have lectured to the Project Directors of, and to many staff members in, the programs in Indiana.

   (d) I have spoken with persons who are very active, or who have been very active, in legal services programs in other areas of the mid-west, such as Missouri and Wisconsin.

   (e) It is my intention to visit a number of these programs in the near future.

SIX SENATORS' QUESTION:

3. What attempts have you made to acquaint yourself with the needs of eligible clients of the Legal Services Corporation?

PROFESSOR HARVEY'S ANSWER:

3. In fact, I have professionally worked in this area, i.e. needs of eligible clients, long before the L.S.C. came into existence, and before the old O.E.O. program began. My work has been in the area of law reform, such as rules and forms of civil procedure which are used by clients and attorneys in courts. In two states, I have written treatises, which, I have been told from time to time, have saved "eligible clients" large sums of money because of reduced costs and expenses of litigation. In Indiana today, in its Small Claims Courts, these rules are in use.

Additionally, as the Dean of the Law School at Indiana University at Indianapolis I was responsible for the placement of law students in both the L.S.O. program in the city and in the Legal Aid Offices in the city, for students experience and development and for assistance to "eligible clients."

Finally, my office receives on the average about two or three calls a week, over a period of about 45 weeks in the year: telephone calls from attorneys who seek my advice for their clients, many of whom would qualify as "eligible clients" under the L.S.C. definitions. Always I give it to them, without charge.

SIX SENATORS' QUESTION:

4. As you know, the funding level for the Corporation was reduced by 25 percent from FY 1981 to FY 1982 -- from $321 million to $241 million. The Corporation has requested $265 million for FY 1983. Is the amount appropriated for FY 1982 adequate to

4. (continued) meet the need for legal services for the poor? Would the Corporation request of $265 million for FY 1983 be adequate to meet such needs?

PROFESSOR HARVEY'S ANSWER:

4. These are difficult questions to determine or answer at this time. That is, "legal services for the poor" refers to a much larger category, perhaps, than "eligible clients". Additionally, the question does not refer to alternative means of funding, such as through state bar associations, and, finally, it does not appear to recognize income derived as a part of attorney's fees, such as that established under 42 U.S.C. 1988. Hence I would need much more information than I now possess before attempting an answer to these questions.

SIX SENATORS' QUESTION:

5a. What savings in funds, if any, do you believe can be implemented by the Legal Services Corporation within the construct of the present Act? What savings, if any, do you believe could be achieved through statutory changes in the Act? Do you favor any such administrative or statutory changes?

PROFESSOR HARVEY'S ANSWER:

5a. I do not have sufficient information to answer these questions at this time, although I have seen the submissions to the Congress by former President Bradley, and I know that the Corporation staff and personnel have made efforts to save and reallocate funds for the current and, perhaps, future fiscal year(s).

SIX SENATORS' QUESTION:

5b. Do you think that cost effectiveness theories dictate that some types of legal services attorneys' work be halted? If so, what types of work, and why?

PROFESSOR HARVEY'S ANSWER:

5b. The answer to this question depends on the cost-effective theory and the scope of consideration, or the universe of examination and concern. It is quite possible that the results of some types of attorney's work cause a greater economic burden on poor persons, but I can not say more than this, given the generality of this question.

SIX SENATORS' QUESTION:

6. Do you favor restricting any areas of legal services attorneys' activities? If so, what kinds of restrictions do you favor, and on what basis?

PROFESSOR HARVEY'S ANSWER:

6. Restrictions are imposed on legal services attorneys and are found in the legislation. These are, as you know, rather substantial restrictions. In my judgment, restrictions are for the Congress to establish, and it is the duty of the Board Members to make certain that they are followed.

SIX SENATORS' QUESTION:

7. Do you have any reservations regarding legal services attorneys becoming involved with suits against local or state governments, or the federal government? If so, please indicate the nature of your reservations?

PROFESSOR HARVEY'S ANSWER:

7. I have no reservations about legal services attorneys being involved in suits against state or local or federal governments or programs, unless it is shown that such suits are, in fact, counterproductive and not helpful to persons who are poor, or do not serve the personal interests of individuals.

SIX SENATORS' QUESTION:

8. Do you disapprove of any of the kinds of cases handled by local legal services programs? If so, what kinds of cases, and why?

PROFESSOR HARVEY'S ANSWER:

8. I disapprove of a suit handled by a local legal service program if it is disallowed by the statute, or regulations, or if it appears to be not in the interest of an individual client for whom the legal services attorney should be providing assistance of counsel.

SIX SENATORS' QUESTION:

9. It has been reported that the Legal Services Corporation transition team criticized the Corporation for flaunting its political independence. Do you agree with the purported transition team's characterization of the Corporation? If so, how do you reconcile this with the Congressional intent expressed in the Act and in the 1974 Senate report?

PROFESSOR HARVEY'S ANSWER:

9. With all respect, I prefer not to make a judgment based on a characterization of or a hearsay comment or reference to another report.

SIX SENATORS' QUESTION:

10. Please describe the date, nature, and substance of any contact that you have had with White House personnel concerning the Legal Services Corporation since January, 1981.

PROFESSOR HARVEY'S ANSWER:

10. White House: I have spoken, rather often, to Mr. Robert Kabel in the White House, who has the job of assisting persons such as myself with Confirmation hearings, and I have spoken to members (i.e. secretaries and the like) of his staff or office. Secondly, on one occasion I had the pleasure of meeting Mr. Edwin Meese, III, and one member of his staff. He congratulated me on my selection to the Board, and wished me well. Rather recently (late April 1982) I had a helpful suggestion from Mr. Michael Horowitz, concerning two highly qualified persons who might be eligible as President of the Corporation.

Finally, in the fall of 1981 a secretary in the White House, on some staff, called to ask whether I would accept an appointment to the Board.

Board Members: As to Board Members, I speak to them on a one-to-one basis, whenever I believe it is necessary to do so.

QUESTIONS SUBMITTED BY
THE HONORABLE ALAN CRANSTON OF CALIFORNIA,
UNITED STATES SENATE

ANSWERS BY PROFESSOR WILLIAM F. HARVEY
CHAIRMAN, BOARD OF DIRECTORS
LEGAL SERVICES CORPORATION

SENATOR CRANSTON'S QUESTION:

1. A. Please describe, in detail, your association with the Pacific Legal Foundaton.

PROFESSOR HARVEY'S ANSWER:

1. A. The Pacific Legal Foundation is a public interest law firm and association. It maintains a separate division which is an educational program for recent law school graduates who seek further education in litigation training, under the supervision of a senior trial attorney. This program is, thus, in the nature of a graduate law program, with a concentration in trial advocacy and trial skills. About three (3) or four (4) outstanding law school graduates are selected each year, to fill a one year or two year fellowship.

The educational program is called a "College of Public Interest Law", and it has educational advisors from the following universities: Stanford University, Indiana University, U.C.L.A., the McGeorge School of Law of the University of the Pacific, and the University of Virginia.

I am the educational advisor from Indiana University, and my precise relationship is that: educational advisor. When asked for advice on this educational program, I give it, freely, and hopefully it is accepted when found to be helpful.

There is no compensation of any kind, no exchange of funds, or benefits conferred. My advice to this educational program is free, and pro bono publico.

Separate from this, in 1978, I was honored to be invited to author a brief, for Mr. Allan Bakke, in his efforts to be admitted without racial discrimination to medical school at Davis, California. The brief was written by me and staff attorneys for the Pacific Legal Foundation as amicus curiae to the Supreme Court of the United States. It was referred to by the New York Law Journal as one of the three leading amici briefs in that case.

SENATOR CRANSTON'S QUESTION:

1. B. Will you terminate your association with the Pacific Legal Foundation if you are confirmed?

PROFESSOR HARVEY'S ANSWER:

1. B. I have an association with several legal professional organizations, among them are: the Indianapolis, and Indiana, and Virginia, and District of Columbia, and the American Bar Associations, and the American Bar Foundation, and the American Law Institute, and of course the Pacific Legal Foundation.

I do not contemplate dissociation from any professional legal organization because of my membership on the Board of Directors of the Legal Services Corporation, and that has not been demanded, it appears, in the past. For example, Mr. F. William McCalpin, of St. Louis, Missouri, and a former Chairman of the Board of Directors of the Legal Services Corporation, is or has been Secretary of the American Bar Association, and a member of that Association's Board of Directors, between 1979 and the present.

Additionally, it occurs to me that if my pro bono advice assists recent law school graduates, in their professional competency, then there is a gain for the legal profession, particularly when some of the clients they might represent are persons who cannot afford legal assistance on their own. I have no present plans to stop offering pro bono advice to this educational program.

Finally, there is nothing in the relevant provisions which suggests a conclusion other than what I have indicated. See, Section 1005(c), 42 U.S.C. 2996d(c), of the Legal Services Corporation Act on "Conflict of Interest", and see 45 C.F.R. 1601.11, and see letters from Alice Daniels, General Counsel, to the Board of Directors dtd. March 28, 1978, and April 18, 1978, and see also, the proposed Model Rules of Professional Conduct, dtd. May 30, 1981, Rule 6.3.

The gist of the proposed rule speaks to legal services grantee programs, when there are Board Members and staff attorneys representing opposing parties. A situation much more direct than membership on the national Board. Even there, however, the proposed rule adopts the view that the Board Member and the staff attorney may represent opposing parties if there is no participation by the director in the particular case, and no infringement of the staff lawyer's representation of his client.

SENATOR CRANSTON'S STATEMENT:

2. In testimony you recently submitted to the Senate Judiciary Subcommittee on Separation of Powers in connection with the proposed "Neighborhood School Transportation Relief Act of 1981", you argued in favor of barring class action litigation in connection with claims asserted under the Fourteenth Amendment.

PROFESSOR HARVEY'S COMMENT:

2. The proposed "Neighborhood School Transportation Relief Act of 1981" was similar to the enacted restrictions imposed on the Legal Services Corporation in Section 1007(b)(9), 42 U.S.C. 2996f(b)(9), which states, generally, that funds shall not be used to provide legal assistance in proceedings relating to the desegregation of elementary or secondary schools. And the proposed statute was similar to restrictions adopted by the United States Senate on March 2, 1982, (S 951) on federal courts, in this area.

My testimony before Senator East's Subcommittee of the Senate Judiciary Committee argued in favor of protecting and expanding *individual* civil rights under the 14th Amendment (see its Privileges and Immunities Clause and Section 5 of the Amendment).

This testimony attempted to develop a critical historical and jurisprudential concept, placed in the 14th Amendment. That critical concept is that it is *persons*, or *individuals* who have rights, which cannot be lost or subordinated to the power of the Government in any of its forms.

SENATOR CRANSTON'S QUESTION:

2. A. Do you think class action litigation rules should be any different for clients represented by legal services attorneys than for those represented by attorneys in private practice? If so, please explain the basis for such a distinction.

PROFESSOR HARVEY'S ANSWER:

2. A. The rules under F.R.C.P. 23, and particularly its subparts of (B)(1) and (2) and (3), are the same for legal services attorneys and attorneys in private practice, and no doubt

the administration of F.R.C.P. 23 compels that they remain that way.

SENATOR CRANSTON'S QUESTION:

2. B. As a member of the Board of Directors of the Legal Services Corporation, would you attempt to restrict class action litigation by legal services programs?

PROFESSOR HARVEY'S ANSWER:

2. B. There is, I feel, no catagorical answer which can be given to this question. As a general rule or statement, class actions can be very helpful to certain litigants, and especially those who are affected in the same way by a prospective defendant. However, it is also possible that a class action can be self-defeating to a dedicated (i.e. statutorily defined) body of clients, such as those who are identified by statute and regulations and are served by L.S.C.

One hypothetical serves, perhaps, to make the point. If an L.S.C. attorney or staff seeks a fee under 42 U.S.C. 1988 for $1,000,000, and if the attorney charges $100 an hour (a common charge for private attorneys), then it suggests that the L.S.C. attorney (or staff of attorneys) has worked 10,000 hours on this one case. If the charge is $50 an hour, then they worked 20,000 hours on one case. This raises a difficult question: how many poor persons, who needed legal services for their individual problems, did not receive them because the L.S.C. attorneys and staff dedicated 10,000 or 20,000 hours to one case?

I suggest that if this hypothetical problem is actual, it requires a careful examination, and precludes an immediate answer to this question.

SENATOR CRANSTON'S QUESTION:

3. Individual legal services programs funded by the Legal Services Corporation are administered under the direction of local boards of directors.

A. What are your views as to the importance of maintaining this local control and direction?

PROFESSOR HARVEY'S ANSWER:

3. A. Local control of legal services programs is extraordinarily important. The form of local control probably should be determined in the community served, by those persons there, including the legal professional groups and the local judiciary too.

SENATOR CRANSTON'S QUESTION:

3. B. What do you see as the role of the national Board of Directors with regard to these locally-controlled programs?

PROFESSOR HARVEY'S ANSWER:

3. B. The national Board of Directors must, of course, follow all statutory and ethical duties which are imposed on the members of the Board. Additionally, the Board should be responsive to legitimate concerns which are expressed about the local programs, in an effort to improve them.

SENATOR CRANSTON'S QUESTION:

4. Do you believe that the Board of Directors of the Legal Services Corporation has the authority to restrict the activities of local projects in the absence of explicit statutory authority for such restrictions?

PROFESSOR HARVEY'S ANSWER:

4. Two thoughts occur here: (1) There must be a history about this question inside L.S.C., with which I am not familiar, and I would want to examine it before attempting an answer, and (2) The Board of Directors should seek improvements in local projects, consistent with statutory authority and the Corporate structure.

QUESTIONS SUBMITTED BY
THE HONORABLE ALAN CRANSTON OF CALIFORNIA,
UNITED STATES SENATE
TO NOMINEES FOR LEGAL SERVICE CORPORATION
BOARD OF DIRECTORS

ANSWERS BY PROFESSOR WILLIAM F. HARVEY
CHAIRMAN, BOARD OF DIRECTORS
LEGAL SERVICES CORPORATION

SENATOR CRANSTON'S QUESTION:

1. A. Why do you wish to serve on the Legal Services Corporation Board and what do you think will be the nature of the contribution you will make to the Legal Services Corporation?

PROFESSOR HARVEY'S ANSWER:

1. A. My view on legal assistance to poor persons was stated in my acceptance address as the Chairman of the Board of Directors on March 5, 1982, (it is attached for your convenience as Attachment No. 1. See also, Congressional Record, S3027 & 3028, March 30, 1982.). In general, I believe that this is the highest calling in the legal profession, and that, as shown by the almost unique recognition extended to me by Indiana University (i.e. a professorial Chair in trial and appellate advocacy), there is much which I can contribute to L.S.C.

SENATOR CRANSTON'S QUESTION:

1. B. What is your understanding as to the duties and responsibilities of a member of the Legal Services Corporation Board?

PROFESSOR HARVEY'S ANSWER:

1. B. The duties and responsibilities are determined by all relevant and controlling statutes, regulations, and the codes and canons on legal professional responsibility.

SENATOR CRANSTON'S QUESTION:

1. C. What prior involvement have you had with legal services programs?

PROFESSOR HARVEY'S ANSWER:

1. C. (1) I was, as the Dean of the Indiana University School of Law--Indianapolis, an appointing authority to the Legal Services Corp. of Indianapolis; (2) Often I have directed law students to work in various L.S.C. offices in Indiana; (3) Very often (i.e. about two times a week), I give pro bono advice to lawyers who need assistance in their work with poor persons or clients in need of legal services; (4) I have visited and lectured to these programs, the last time being in March 1982 to all of the program directors in Indiana, at the law school in Indianapolis.

SENATOR CRANSTON'S QUESTION:

1. D. What organizations concerned with the poor have you been involved in and what was the nature of your involvement?

PROFESSOR HARVEY'S ANSWER:

1. D. This question's answer incorporates by reference part of (C), above. Additionally, the Legal Services Corporation of Indianapolis was organized, initially, by the faculty of the Law School in Indianapolis in 1969; (B) the Pacific Legal Foundation has an outstanding reputation of assisting persons who need legal assistance and cannot afford it, and in 1978 I assisted it and Mr. Allan Bakke, pro bono publico, in Mr. Bakke's effort to be free from racial discrimination in his admission to medical school at Davis, California -- a school which is a part of the University of California.

SENATOR CRANSTON'S QUESTION:

2. A. (i) Are you familiar with the legal services programs operating in your own community?

PROFESSOR HARVEY'S ANSWER:

2. A. (i) Yes.

SENATOR CRANSTON'S QUESTION:

2. A. (ii) If so, describe the basis for this familiarity and your general views regarding such programs.

PROFESSOR HARVEY'S ANSWER:

2. A. (ii) (A) I have lectured and taught, probably, almost all of the attorneys in these programs, in either law school or in the Indiana bar review program; (B) I have visited these programs or their personnel, and particularly the program in Indianapolis; (C) My view is that, on the whole, these are excellent programs.

SENATOR CRANSTON'S QUESTION:

3. Under what circumstances, if any, do you feel it would be appropriate for a member of the Legal Services Corporation Board to interfere with a case being handled by a program's staff attorneys?

PROFESSOR HARVEY'S ANSWER:

3. It is, I suggest, inappropriate to interfere with a case being handled by a program staff attorney. However, it is also good law practice to establish review committees, in law firms and agencies (such as the review committee in the L.S.C. program in Indianapolis) to examine possible cases, or to examine the function of attorneys in regard to those cases. Next, a healthy legal system has an effective commission for discipline, such as the Disciplinary Commission under the Supreme Court of Indiana, which can and does inquire directly into a case being handled by a lawyer, including an L.S.C. attorney.

Finally, in regard to L.S.C. specifically, I suggest that the most important duty, in this context, of a Board member is to make certain that the several statutory restrictions imposed by the Congress on program staff attorneys are carefully followed.

SENATOR CRANSTON'S QUESTION:

4. A. (i) Do you believe that it is appropriate for legal services attorneys to litigate against state governments or federal agencies?

PROFESSOR HARVEY'S ANSWER:

4. A. (i) Yes.

SENATOR CRANSTON'S QUESTION:

4. A. (ii) If not, why not?

PROFESSOR HARVEY'S ANSWER:

4. A. (ii) Not applicable.

SENATOR CRANSTON'S QUESTION:

4. B. If a client's rights are being, or may in the future be, violated by the actions or proposed actions of a governmental agency, do you believe it appropriate for legal services programs to seek to have that agency's policies or regulations changed through non-adjudicatory advocacy before that agency?

PROFESSOR HARVEY'S ANSWER:

4. B. Of course the first duty of an attorney is representation of the client, consistent with the client's desires and needs. Therein a lawyer should first attempt to solve a client's problem without resort to litigation.

SENATOR CRANSTON'S QUESTION:

5. A. Do you believe that legal services programs should provide the full spectrum of professional representation to the clients they represent?

PROFESSOR HARVEY'S ANSWER:

5. A. With all due respect to you, I suggest that my personal belief in this regard must be subordinated to my duties as a member of the Board of Directors of the Corporation. This means that careful recognition must be given to the fact that the Congress already has imposed statutory restrictions which curtail "the full spectrum of professional representation * * *"

SENATOR CRANSTON'S QUESTION:

5. B. What aspect of professional representation do you believe should be denied to low-income clients and why?

PROFESSOR HARVEY'S ANSWER:

5. B. Outside of the staff attorney system in L.S.C., perhaps none. However, inside that system, the restrictions already exist by Congressional statutory direction.

SENATOR CRANSTON'S QUESTION:

6. Do you believe that a legal services lawyer funded by the Corporation should vigorously pursue cases against the federal government that he or she believes are meritorious, even if they embarrass the government or arouse people in Congress?

PROFESSOR HARVEY'S ANSWER:

6. When the case pursued is consistent with applicable restrictions, such as statutory restrictions imposed by the Congress, then it may be maintained.

SENATOR CRANSTON'S QUESTION:

7. Do you agree that it is a legal services attorney's right and responsibility, in consultation with his or her client, to select the forum, remedy, and strategy which is most appropriate to his or her client's needs?

PROFESSOR HARVEY'S ANSWER:

7. This is one of the principal functions of an attorney, when

the attorney is controlled by the best interest of the client, and not, of course, his or her own vicariously asserted cause.

SENATOR CRANSTON'S QUESTION:

8. A. Do you agree that Board members must avoid any conflict of interest or appearance of conflict of interest even if not strictly within the proscription of the Legal Services Corporation Act?

PROFESSOR HARVEY'S ANSWER:

8. A. Conflict of interest is, of course, statutorily defined (see section 1005(c) of the Act), and is case specific of client specific in the controlling canons of conduct. Of course a conflict of interest must be avoided.

SENATOR CRANSTON'S QUESTION:

8. B. Would you take whatever steps are necessary to remove yourself from any conflict of interest -- or appearance of a conflict of interest -- even in those instances which do not technically fall under the Act's proscription?

PROFESSOR HARVEY'S ANSWER:

8. B. Actually, as a member of the Board of Directors of the L.S.C. one is not in the business of providing legal services or assistance to any person or thing. It is the grantee programs which do that. However, my answer to this question is yes, of course, and I would remove myself from case conflicts or the appearance of case conflicts.

8. C. (There was no question (C) from Senator Cranston.)

SENATOR CRANSTON'S QUESTION:

8. D. Do you now represent, or have you represented, or are you associated in any way with, any organization which represents or has represented any client in litigation or negotiations against a party represented by a legal services attorney? If so, describe the nature of such litigation and its current status.

PROFESSOR HARVEY'S ANSWER:

8. D. I do not now represent a client who has interests "against

a party represented by a legal services attorney." In the past, I do not know whether this has occurred. I have been an attorney involved in major cases and major class actions, in the 1970s, and I do not recall whether any L.S.C. staff attorney was active in that litigation as an L.S.C. staff attorney.

However that may be, the litigation or my participation in it has long since ended, and has no current status of which I am aware, and I do not now represent any client any where.

SENATOR CRANSTON'S QUESTION:

8. D. (i) Will you terminate any relationship that still exists to such a client regarding any on-going controversy?

PROFESSOR HARVEY'S ANSWER:

8. D. (i) Inapplicable.

SENATOR CRANSTON'S QUESTION:

8. D. (ii) Will you agree not to represent any client in litigation or negotiations against a party represented by a legal services attorney during your service on the Board of Directors if you are confirmed by the Senate?

PROFESSOR HARVEY'S ANSWER:

8. D. (ii) Yes.

SENATOR CRANSTON'S QUESTION:

8. D. (iii) Will your law firm or the entity with which you are affiliated undertake such a case while you serve on the Board?

PROFESSOR HARVEY'S ANSWER:

8. D. (iii) I trust that this is inapplicable; however I regard myself as "affiliated" with Indiana University, and it is a very large organization. I do not know what its policies are with regard to cases in which it litigates,

and I am not consulted about them. There is a retained staff of attorneys, and outside counsel, which does that.

SENATOR CRANSTON'S QUESTION:

8. D. (iv) If so, what steps will you take to prevent any appearance of conflict of interest in such undertaking?

PROFESSOR HARVEY'S ANSWER:

8. D. (iv) As a general rule, when anything of this nature appears, I would seek the advice of the Corporation's General Counsel, and if that opinion is not sufficient, then I would ask for a formal legal opinion from an outside source.

SENATOR CRANSTON'S QUESTION:

9. A. What role do you think clients of legal services programs should have in the operation of local programs?

PROFESSOR HARVEY'S ANSWER:

9. A. There is a course of substantial history and statutory law on this in the L.S.C. system, and its grantee programs. Eligible clients appear on the Boards of the grantee programs.

SENATOR CRANSTON'S QUESTION:

9. B. What role do you believe clients should have in the activities of the national board?

PROFESSOR HARVEY'S ANSWER:

9. B. Clients have served a very useful purpose as members of the Board in the past, and I fully expect such assistance to continue in the future.

SENATOR CRANSTON'S QUESTION:

10. A. What should be the criteria for screening candidates for replacement of Mr. Bradley as permanent president of the Corporation?

PROFESSOR HARVEY'S ANSWER:

10. A. The criteria have been adopted and announced. They are attached to this as Attachment No. 2.

SENATOR CRANSTON'S QUESTION:

10. B. Would you actively oppose a candidate with a record of antagonism to the legal services program?

PROFESSOR HARVEY'S ANSWER:

10. B. Yes, assuming that that is the actual record of the candidate, and not mere accusation or smear from some other person or group, or mere advocacy for change in some specific program.

SENATOR CRANSTON'S QUESTION:

11. The Legal Services Corporation Act provides that the Board of Directors should include eligible clients and should be generally representative of the organized bar, attorneys, providing legal assistance to eligible clients, and the general public; the legislative history further elucidates this latter category to include persons representative of organizations involved in the development of legal assistance for the poor, the academic legal community, women, and minority groups.

A. Which of these categories do you feel you are representative of? Please explain the basis for your answer.

PROFESSOR HARVEY'S ANSWER:

11. A. I feel that I am (a) generally representative of the bar, (b) the academic legal community, and (c) I am an attorney who has provided legal assistance to eligible clients, and I am (d) a person who has assisted the development of organizations involved in the development of legal assistance for the poor.

SENATOR CRANSTON'S QUESTION:

11. B. (i) Do you feel the nominees submitted to the Senate, taken as a whole, reflect the composition of the Board intended by the Congress?

PROFESSOR HARVEY'S ANSWER:

11. B. (i) Yes.

SENATOR CRANSTON'S QUESTION:

11. B. (ii) If not, what groups do you feel are not represented?

PROFESSOR HARVEY'S ANSWER:

11. B. (ii) Inapplicable.

SENATOR CRANSTON'S QUESTION:

12. How much time would you be prepared to commit during your term to the business of the Legal Services Corporation?

PROFESSOR HARVEY'S ANSWER:

12. Whatever is required to do an outstanding job.

SENATOR CRANSTON'S QUESTION:

13. What other commitments do you have that will affect the time you may devote to the business of the Corporation?

PROFESSOR HARVEY'S ANSWER:

13. Teaching law at Indiana University is the only one, and that is easily manageable, given the support and assistance I have received, and will receive from Dean Gerald L. Bepko, the faculty, and Indiana University.

SENATOR CRANSTON'S QUESTION:

14. A. Will you have time and do you intend to visit various legal services programs to learn how they operate and what problems and needs they have?

PROFESSOR HARVEY'S ANSWER:

14. A. I have done this and will continue to do this; it is very important.

SENATOR CRANSTON'S QUESTION:

14. B. How much time do you plan to devote to such visits?

PROFESSOR HARVEY'S ANSWER:

14. B. Considerable, with visits throughout the entire mid-west, very soon.

SENATOR CRANSTON'S QUESTION:

15. A. Do you agree with the stated objective of the Act to keep the Legal Services program independent of political influence and control.

PROFESSOR HARVEY'S ANSWER:

15. A. Certainly.

SENATOR CRANSTON'S QUESTION:

15. B. Do you agree that the independence of the legal services program from political influence and control is critical to its carrying out its statutory mission? Why?

PROFESSOR HARVEY'S ANSWER:

15. B. Yes. As to "why?", please see my Acceptance Address, Attachment No. 1, in which this is explained.

SENATOR CRANSTON'S QUESTION:

15. C. What steps will you personally take to maintain the independence of the Corporation from political influences?

PROFESSOR HARVEY'S ANSWER:

15. C. This is a principal responsibility, of course, and it requires that one maintain a regular and constant communication with all persons, and receive all of their views, but at the same time resist the influence of party politics. A sensitive awareness is required, and I shall give that.

SENATOR CRANSTON'S QUESTION:

16. Do you have any reservations about supporting the letter and spirit of any provisions of the Legal Services Corporation Act? If so, explain.

PROFESSOR HARVEY'S ANSWER:

16. No.

SENATOR CRANSTON'S QUESTION:

17. A. Have you made any speeches, statements, or communications with any public agencies, media, or legal services programs which reflect your basic position on legal services for the poor and/or the Legal Services Corporation? If so, please provide copies of such materials.

PROFESSOR HARVEY'S ANSWER:

17. A. Yes, please see Attachment No. 1, my acceptance address dated March 5, 1982; Congressional Record, S3027-28,March 30,1982.

SENATOR CRANSTON'S QUESTION:

17. B. (i) Were you asked to participate in any efforts during the past year either to continue or abolish the Legal Services Corporation?

PROFESSOR HARVEY'S ANSWER:

17. B. (i) No.

SENATOR CRANSTON'S QUESTION:

17. B. (ii) By whom were any such requests made and what, if any, action did you take in response to any requests?

PROFESSOR HARVEY'S ANSWER:

17. B. (ii) Inapplicable.

SENATOR CRANSTON'S STATEMENT:

18. President Reagan has recommended abolition of the Legal Services Corporation. With respect to this recommendation --

PROFESSOR HARVEY'S COMMENT:

18. I want to observe to you, Senator, that the recess appointees of President Reagan to the Board of Directors of the Legal Services Corporation, and the persons who have been nominated to this Board and whose nominations have been submitted to the United States Senate, have in the past and do now support legal assistance to the poor as a fundamental access right, and the Corporation and its mission, subject, of course to the appearance of a superior alternative.

Additionally, as a member of the Board of Directors it is, I suggest, inappropriate and not in the spirit of the purpose of the Corporation, to comment on political positions of either the Administration (any Administration), or of the Congress (or any member in the Congress). I feel that that would be to involve myself in a political area and context, and I have not done this.

SENATOR CRANSTON'S QUESTION:

18. A. Are you committed to opposing the abolition of the Legal Services Corporation? If not, why are you accepting this nomination to the Board of Directors?

PROFESSOR HARVEY'S ANSWER:

18. A. I am dedicated to the principal function of the Corporation. It is, however, for the Congress and the Executive to determine (a) the existence of the Legal Services Corporation and (b) the contours of its policies, whether with imposed restrictions or without them.

SENATOR CRANSTON'S QUESTION:

18. B. In relationship to your nomination, have you made any commitments with regard to your position on the question of abolition of the Corporation?

PROFESSOR HARVEY'S ANSWER:

18. B. No.

SENATOR CRANSTON'S QUESTION:

19. Please discuss the nature and timing of your contacts with White House personnel or other representatives of the Administration regarding your nomination and specifically what discussions occurred regarding your position on (A) President Reagan's recommendation that the Corporation be abolished, and (B) the appointment of a temporary or permanent President or any other officer of the Corporation.

PROFESSOR HARVEY'S ANSWER:

19. The nature and timing of my "contacts with White House personnel" regarding my nomination have been with Mr. Robert Kabel, who is a Special Assistant for Legislative Affairs, and his office and his office persons. He and they have attempted to assist me in this entirely new experience, which is the Confirmation process before the Committee.

(A) No discussions occurred regarding the abolition of L.S.C.

(B) No discussions occurred regarding the appointment of any officer of L.S.C.

Additionally, I had, prior to my nomination, a very pleasant visit with Mr. Edwin Meese, III and his assistant. No discussions occurred (A) regarding the abolition of L.S.C., and (B) no discussions occurred regarding the appointment of any officer in the Corporation.

Very recently, Mr. Michael J. Horowitz, in O.M.B. called attention to two persons who have outstanding credentials and would appear to have qualifications for the office of President of L.S.C., and no comment was made concerning the abolition of the Corporation.

SENATOR CRANSTON'S QUESTION:

20. A. What is your position on the appropriateness of the White House participating in, or actually deciding upon, the selection of the President or any other officer of the Corporation?

PROFESSOR HARVEY'S ANSWER:

20. A. It would be inappropriate; the Board does this by statute.

SENATOR CRANSTON'S QUESTION:

20. B. Do you plan to discuss with White House personnel or other Administration representatives such personnel decisions to be made by the Board of Directors?

PROFESSOR HARVEY'S ANSWER:

20. B. I do not plan to initiate personnel discussions with "White House personnel" or with any other elected or appointed federal or state official. At the same time, it is entirely correct for any person to express his or her views to me as a member of the Board of Directors of L.S.C., at any time, and particularly in public meetings of the Board. Some persons have done this. They are people who work in legal services, or have been affected by legal services personnel, or want the assistance of Legal Services personnel, and the like.

In addition, I think that simply because a person is elected to federal office, that person should not lose his or her right to an opinion, or a judgment, concerning Board policies and the right to express it.

CHAIRMAN WILLIAM HARVEY OF THE LEGAL SERVICES CORPORATION

Mr. HATCH. Mr. President, I shall submit for the RECORD Mr. William Harvey's thoughtful acceptance speech as Chairman of the Legal Services Corporation Board on March 5, 1982. I especially encourage my colleages to read Mr. Harvey's speech because he sets forth some basic principles reminding us of our responsibility and that of the legal profession in assuring that all citizens have access to the judicial system. I was especially pleased to see him emphasize the solemn responsibility we share with the legal profession in providing legal services to individuals of inadequate economic means.

The appointment of Mr. Harvey as Chairman of the Legal Services Corporation is a clear indication of President Reagan's interest in providing legal services to economically disadvantaged citizens in a manner which stimulates and encourages private initiative rather than stifling it. Mr. Harvey's comments should be helpful to us in the future as we deliberate the future of the Legal Services Corporation.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. Harvey's acceptance speech.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ACCEPTANCE ADDRESS

OPENING PUBLIC STATEMENT BY CHAIRMAN OF THE BOARD

Mr. Interim Chairman Olson, members of the board, President Bradley, members of the corporation staff, and ladies and gentlemen.

It is a very great honor to be with you this morning, and to be a member of the board of directors of the Legal Services Corporation. I have been twice honored in that my colleagues on the board have selected me as their chairman. I hope to repay their expressed trust by performance, and I do, of course, accept the position with my thanks to each board member. I extend a special note of recognition and appreciation to Ms. Josephine Worthy. She is plainly the senior person in experience and wisdom on this board. Each of us looks forward to receiving her advice and counsel, and I feel certain that there is much we shall learn from her.

Appointment to this corporation board is, in my judgment, the highest recognition which can be extended to a member of the legal profession, because the corporation and its concept represent the highest ideal, and the finest moral standard, which the legal profession has refined: Those who need legal assistance, and who require access to the courts for the protection of their rights shall receive it and that it shall be provided to a person if he is not able to provide for it, or obtain it from his own available funds. This great tradition, in the United States, of providing legal assistance commenced with the private practitioners: It was a great and noble charity, and it is still that. This corporation and its grantee programs were built on that foundation and that spirit, and they should not and cannot replace it.

Accordingly, we observe the great contribution which the legal profession has made to the American social order, and in each of our States and communities. It continues on: it is the very essence of required social service and required social contribution; it is the envy of all other social agencies, and all social agencies are in fact subordinate to it.

The provision of legal assistance has an extraordinarily important philosophical foundation. It is not one which stems from fault, or from confrontation; it does not come from financial affluence, or from utilitarian results which might be achieved in a particular legal setting. It is much different than all of those. The basis of our meeting today, and of this corporation, and of the programs of legal assistance, is in a first principle. That principle is access to the judicial system. It is referred to as petitioning one's government for the redress of grievances. This is the first principle which is the protection of all other rights, and it is a principle of creation and definition—and thus of limitation too.

It requires that access to the judicial system shall involve a high professional quality of representation, which will assure that the ends of justice and the administration of law for the protection of legal rights are achieved.

Access to the judicial system must be totally free of all political and ideological bias and prejudgment, because the ultimate enforcement power for substantive legal rights is, of course, a State monopoly. It must be available to all persons who have reason to seek its use.

This much is implicit in great works of the past, such as the teaching of Mr. Lincoln in his debates with Senator Douglas.

And this brings me to a few comments which are addressed to about 10,000 persons who work, and persons who have worked over the years in the delivery of legal services to the poor, and to persons who do not have access to the judicial system for the enforcement of their rights.

Many of you I have known very well over the years, and especially in the 1970's and earlier. I have viewed your efforts with great pride and a mutual satisfaction, and at times with concern or sadness. Pride because your achievements are many. Concern or sadness because it seemed to me that you sought to accomplish a great task but from a philosophical foundation which was fractured.

I remember reading, years ago, that great book, The God That Failed. In it, one of the authors, perhaps it was Richard Wright, said that the critical question was and is: How to live a human life?

I suggest that perhaps the answer to that question is found in the proposition that progress and human worth is not measured in direction: It is not up or down, this way or that. It is not measured by economic criteria, and certainly not by a system of wealth distribution. It is not determined by victory or defeat in a court; all of those criteria are temporary.

I recomend that you contemplate the idea that there is no finality, and no predetermined arrangement, and that the only lasting and creative social orders is the spontaneous social order, which is affected by the highest principles of human conduct. Further, each generation must rediscover those principles, and it is in that constant rediscovery of transcendental principles that one learns how to live a human life, or at least one can approach Richard Wright's question.

Today you should attempt to examine the works of T. S. Eliot, and Thomas Sowell and ask why each informs us that there are no solutions, and only issues which are fought out again and again. Please permit yourselves to consider the ideas of Edmund Burke or Russell Kirk or Friedrich A. Hayek's great trilogy on law and justice. Try to understand what Hayek meant when he said, "The ideal of equality of the law is aimed at equally improving the chances of yet unknown people but incompatible with benefiting or harming known persons in a predictable manner." There and with those persons you may find better ideas for the noble cause you have served than the explanations you have contemplated in the past; and with them you may become even more effective in the future.

The express purpose of the legal services corporation is to provide financial support for competent legal assistance in noncriminal matters and proceedings, for persons who are financially unable to afford it. The primary duties of the members of this board is to see that that purpose is executed; that is our duty, and we shall perform it, in full accord with all applicable laws, the code of professional responsibility, the canons of ethics and the highest standards of the legal profession. And those professional standards guide all law schools and centers for legal education, as well as post-graduate and continuing professional educational programs.

This means that it is the province of the Congress and the President to establish the program in which Federal assistance for legal services is to be provided. Our board shall administer the program in strict compliance with the statutory requirements which govern it; and we shall, of course, seek those funds which will assure the delivery of legal assistance which in turn assures access to the enforcement of legal rights and claims of legal right.

We do this as members of the legal profession and as client representatives. We do this reflecting professional and personal obligations and duties to recognize the need to provide legal assistance to individuals of inadequate economic means.

We of the corporation have an obligation and a duty to provide leadership and direction—and to encourage and develop new incentives for the provision of such legal assistance. We welcome the views and judgments of all persons, and in particular the former members of this board.

Canon 2, ethical consideration 2-25, states that the basic responsibility for providing legal services for those unable to pay, rests, ultimately, upon the individual attorney. It also identifies additional program, other than individuals, to assist in the effort of providing legal services.

This corporation and its independent grantees are examples of those programs. They are not, of course, the only programs which are or might become available.

This program is the Federal Government's provision for legal assistance for poor persons. It does not, however, remove or alter a duty which rests on each of the approximately 550,000 attorneys in the United States.

It is a governmental program to assist those many attorneys who carry the duty to guarantee access to courts for the enforcement of legal rights. But, fundamentally, it is a governmental program which must carefully protect, as the statute tells us, recognition of persons as persons, individuals as individuals. Recognition of human beings as the supreme value in our society—independently valuable apart from the wealth they possess or the power they might assert or acquire—is the source of American freedom.

I express my profound thanks to the President of the United States for my appointment to this board, and I join with my colleagues on the board of directors in declaring our commitment to meet the statutory, moral and ethical duties which our appointments demand.

BEST COPY AVAILABLE

ATTACHMENT No. 2

LEGAL SERVICES CORPORATION
733 Fifteenth Street, N.W., Washington, D.C. 20005

POSITION ANNOUNCEMENT

External Posting

POSITION: President

LOCATION: Executive Office
Legal Services Corporation
Washington, D.C. 20005

POSTING NO: 581

DATE POSTED: 4/1/82

CLOSING DATE: 5/1/82

DESCRIPTION:

The Legal Services Corporation is seeking an experienced and skilled person to serve as its President. In coordination with the Corporation's Board of Directors, the President is responsible for overseeing the full range of activities conducted by the Corporation.

The Legal Services Corporation is a private, non-profit corporation established by Congress in 1974 to provide financial support for legal assistance to the poor in civil matters. With a current annual appropriation of $241 million, the Corporation funds over 320 local programs that deliver legal services directly to clients and furnishes, through its staff as well as by grant and contract, a wide variety of support services to enhance the capability of those local programs to provide quality legal assistance.

DUTIES AND RESPONSIBILITIES:

The President has responsibility for directing all aspects of the operations of the Legal Services Corporation. The President's specific duties include, among others, responsibility for Corporation activities in connection with:

- The Corporation staff
- The Corporation's Board of Directors
- The Congress
- Federal agencies
- The private bar
- Local legal services programs
- Other organized groups interested in legal services.

QUALIFICATIONS:

The following qualifications are required.

- Law degree and membership in the bar of the highest court of a state

The following qualifications are considered desirable:

- Extensive experience and demonstrated ability in management and administration
- Experience with Congress, Federal agencies, or other grant-making entities
- Familiarity with legal services or public interest law practice.

SALARY AND BENEFITS:

Maximum salary Executive Level V (currently $57,500, set by statute); liberal leave; all official holidays; free dental insurance; Federal retirement; health and life insurance available.

APPLICATION PROCEDURE:

Applicants are encouraged to submit complete resumes no later than May 1, 1982 to:

LeaAnne Bernstein, Suite 700
Legal Services Corporation
733 15th Street, N.W.
Washington, D.C. 20005

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

ORRIN G. HATCH, UTAH CHAIRMAN

ROBERT T. STAFFORD, VT.
DAN QUAYLE, IND.
PAULA HAWKINS, FLA.
DON NICKLES, OKLA.
LOWELL P. WEICKER, JR., CONN.
GORDON J. HUMPHREY, N.H.
JEREMIAH DENTON, ALA.
JOHN P. EAST, N.C.

EDWARD M. KENNEDY, MASS.
JENNINGS RANDOLPH, W. VA.
HARRISON A. WILLIAMS, JR., N.J.
CLAIBORNE PELL, R.I.
THOMAS F. EAGLETON, MO.
DONALD W. RIEGLE, JR., MICH.
HOWARD M. METZENBAUM, OHIO

ROBERT P. HUNTER, CHIEF COUNSEL
KEVIN PATCH, STAFF DIRECTOR
RITA ANN PFEIFFER, CHIEF CLERK
LAWRENCE C. HOROWITZ, M.D., MINORITY STAFF DIRECTOR

United States Senate
COMMITTEE ON LABOR AND
HUMAN RESOURCES
WASHINGTON, D.C. 20510

May 18, 1982

Professor William F. Harvey
Indiana University School of Law
735 West New York Street
Indianapolis, Indiana 46202

Dear Professor Harvey:

We appreciate your appearing before the Committee on Labor and Human Resources today at your confirmation hearing.

Attached are additional questions which we feel important to be answered by each nominee to develop a complete record for the Committee's review. We would appreciate your responses at the earliest possible date.

We have also enclosed an addressed envelope for your convenience in returning your responses to us.

Very truly yours,

EDWARD M. KENNEDY
U. S. S.

THOMAS F. EAGLETON
U. S. S.

JENNINGS RANDOLPH
U. S. S.

DONALD W. RIEGLE, JR.
U. S. S.

CLAIBORNE PELL
U. S. S.

HOWARD M. METZENBAUM
U. S. S.

SPARK M. MATSUNAGA
U. S. S.

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LEGAL SERVICES CORPORATION
733 Fifteenth Street, N.W., Washington, D.C. 20005

Writer's Direct Telephone
(202)

May 20, 1982

The Honorable Edward M. Kennedy
The Honorable Jennings Randolph
The Honorable Claiborne Pell
The Honorable Thomas F. Eagleton
The Honorable Donald W. Riegle, Jr.
The Honorable Howard M. Metzenbaum
The Honorable Spark M. Matsunaga
United States Senate
Washington, D.C. 20510

Dear Gentlemen:

Thank you for the opportunity to respond further to your questions concerning my nomination to the Board of Directors of the Legal Services Corporation.

I appreciated the privilege of appearing before the Committee on Labor and Human Resources on May 18, 1982. I do hope that the enclosed responses and the other answers I have submitted will provide the Committee with an adequate record concerning my background and views.

Very cordially,

William F. Harvey

William F. Harvey
Chairman
Board of Directors

cc: Senator Orrin Hatch
Senator Dan Quayle

QUESTIONS SUBMITTED BY
THE FOLLOWING MEMBERS OF
THE UNITED STATES SENATE:
HONORABLE EDWARD M. KENNEDY
HONORABLE JENNINGS RANDOLPH
HONORABLE CLAIBORNE PELL
HONORABLE THOMAS F. EAGLETON
HONORABLE DONALD W. RIEGLE, JR.
HONORABLE HOWARD M. METZENBAUM
HONORABLE SPARK M. MATSUNAGA

ANSWERS BY PROFESSOR WILLIAM F. HARVEY
CHAIRMAN, BOARD OF DIRECTORS
LEGAL SERVICES CORPORATION

SEVEN SENATORS' QUESTION:

1. In your view, what is the meaning of "full access under law to comprehensive and effective legal services?"

PROFESSOR HARVEY'S ANSWER:

1. Please see my acceptance address dated March 5, 1982 and set out in Congressional Record, S3027 and S3028, March 30, 1982, which speaks to my concept of this question and its answer.

SEVEN SENATORS' QUESTION:

2. Do you believe that legal services programs should provide the full spectrum of professional representation -- whether it is approaching a state legislature, contesting the decision of a Governor or other high official, or challenging a state or local statute or ordinance, so long as it is related to the direct professional responsibility to that client and that case?

PROFESSOR HARVEY'S ANSWER:

2. Yes, to the extent that "full spectrum" is permitted by controlling statutes, rules and regulations, and policies which affect the professional representation involved.

SEVEN SENATORS' QUESTION:

3. Do you agree that the provisions of the Legal Services Corporation Act require that there be no interference with a legal services attorney's professional responsibilities?

PROFESSOR HARVEY'S ANSWER:

3. Yes, to the extent that a professional relationship is permitted by the Act, and it does not confer unlimited discretion to a legal services attorney.

SEVEN SENATORS' QUESTION:

4. Do you agree that any guidelines established by the Corporation must be grounded on the principle that there can be no interference with a legal services attorney's professional responsibilities?

PROFESSOR HARVEY'S ANSWER:

4. It is, I suggest, inappropriate to interfere with a case being handled by a program staff attorney. However, it is also good law practice to establish review committees, in law firms and agencies (such as the review committee in the L.S.C. program in Indianapolis) to examine possible cases, or to examine the function of attorneys in regard to those cases. Next, a healthy legal system has an effective commission for discipline, such as the Disciplinary Commission under the Supreme Court of Indiana, which can and does inquire directly into a case being handled by a lawyer, including an L.S.C. attorney.

Finally, in regard to L.S.C. specifically, I suggest that the most important duty, in this context, of a Board member is to make certain that the several statutory restrictions imposed by the Congress on program staff attorneys are carefully followed.

SEVEN SENATORS' QUESTION:

5. Do you believe that, under the Act, local programs must be insulated from political interference?

PROFESSOR HARVEY'S ANSWER:

5. The stated objective of the Act was to remove political influence from the Corporation and its programs. I fully agree with that.

SEVEN SENATORS' QUESTION:

6. Do you think it is the job of the Legal Services Corporation Board to try to set each local program's priorities, or should the Board allow the boards, the staff, and the clients of local programs to do that, in accordance with their own local needs and the resources available to them?

PROFESSOR HARVEY'S ANSWER:

6. As a trustee of public funds, the Corporation must insist that directives which are embraced within the Act or are reasonably inferred from it are met by grantees. If there is no federal money involved, then the local program must be totally independent in its program.

SEVEN SENATORS' QUESTION:

7. Do you believe that there are cases in which there may properly be interference by the Board in the professional representation by a staff attorney to an eligible client?

PROFESSOR HARVEY'S ANSWER:

7. Please see my answer to question number 4, supra.

SEVEN SENATORS' QUESTION:

8. The 1974 Committee report on the Legal Services Corporation Act states that Board members should be "fully committed to the role of legal assistance attorneys and support the underlying principle of the legislation that it is in the national interest that the poor have full access under law to comprehensive and effective legal services." Do you support these principles?

PROFESSOR HARVEY'S ANSWER:

8. Yes, I support those principles, and the modifications in them which appear to have occurred in the several legislative restrictions which have been added to the statute.

SEVEN SENATORS' QUESTION:

9. A document purported to be a summary of the Transition Report on the Legal Services Corporation states that the report presented various options in order to "free up dollars for judicare as well as prohibit some of the more repugnant activities of local programs." Reportedly, among various options presented were:

   - providing Governors with a veto over all grants within the state;
   - decentralizing LSC by creating regional or state corporations;
   - giving grant-making authority to the regional offices that would be more responsive to local concerns; and
   - requiring clients to pay part of the cost of representation.

   As a member of the Board, would you support any or all of those options?

PROFESSOR HARVEY'S ANSWER:

9. My commitment and duty is, of course, to the statute which the Congress has enacted, and none of the alternatives listed in this question is a part of the statute.

SEVEN SENATORS' QUESTION:

10. The Legal Services Corporation Act requires that no more than six members of the Corporation Board shall be of the same political party. Of what political persuasion are you?

PROFESSOR HARVEY'S ANSWER:

10. I am a registered Republican in Indiana.

SEVEN SENATORS' QUESTION:

11. What attempts have you made to acquaint yourself with the needs of eligible clients of the Legal Services Corporation?

PROFESSOR HARVEY'S ANSWER:

11. In fact, I have professionally worked in this area, i.e. needs of eligible clients, long before the L.S.C. came into existence, and before the old O.E.O. program began. My work has been in the area of law reform, such as rules and forms of civil procedure which are used by clients and attorneys in courts. In two states I have written treatises, which, I have been told from time to time, have saved "eligible clients" large sums of money because of reduced costs and expenses of litigation. In Indiana today, in its Small Claims Courts, these rules are in use.

Additionally, as the Dean of the Law School at Indiana University at Indianapolis I was responsible for the placement of law students in both the L.S.O. program in the city and in the Legal Aid offices in the city, for students' experience and development and for assistance to "eligible clients."

Finally, my office receives on the average about two or three calls a week, over a period of about 45 weeks in the year: telephone calls from attorneys who seek my advice for their clients, many of whom would qualify as "eligible clients" under the L.S.C. definitions. Always I give it to them, without charge.

SEVEN SENATORS' QUESTION:

12. As you know, the funding level for the Corporation was reduced by 25 percent from FY 1981 to FY 1982 -- from $321 million to $241 million. The Corporation has requested a budget of $265 million for FY 1983. Is the amount appropriated for 1982 adequate to meet the need for legal services for the poor? Would the Corporation request of $265 million for FY 1983 be adequate to meet such need?

PROFESSOR HARVEY'S ANSWER:

12. These are difficult questions to determine or answer at this time. That is, "legal services for the poor" refers to a much larger category, perhaps, than "eligible clients". Additionally, the question does not refer to alternative means of funding, such as through state bar associations, and, finally, it does not appear to recognize income derived as a part of attorneys' fees, such as that established under 42 U.S.C. 1988. Hence I would need much more information than I now possess before attempting an answer to these questions.

SEVEN SENATORS' QUESTION:

13a. What savings in funds, if any, do you believe can be implemented by the Legal Services Corporation within the construct of the present Act? What savings, if any, do you believe could be achieved through statutory changes in the Act? Do you favor any such administrative or statutory changes?

PROFESSOR HARVEY'S ANSWER:

13a. I do not have sufficient information to answer these questions at this time, although I have seen the submissions to the Congress by former President Bradley, and I know that the Corporation staff and personnel have made efforts to save and reallocate funds for the current and, perhaps, future fiscal year(s).

SEVEN SENATORS' QUESTION:

13b. Do you think that cost effectiveness theories dictate that some types of legal services attorneys' work be halted? If so, what types of work, and why?

PROFESSOR HARVEY'S ANSWER:

13b. The answer to this question depends on the cost-effective theory and the scope of consideration, or the universe of examination and concern. It is quite possible that the results of some types of attorney's work cause a greater economic burden on poor persons, but I can not say more about this, given the generality of this question.

SEVEN SENATORS' QUESTION:

14. Do you favor restricting any areas of legal services attorneys' activities? If so, what kinds of restrictions do you favor, and on what basis? Specifically, would you favor any restriction on class action litigation by legal services attorneys on behalf of the poor and disadvantaged? If so, would you favor a similar restriction on Pacific Legal Foundation activities? If not, why not?

PROFESSOR HARVEY'S ANSWER:

14. There are, of course, several statutory restrictions already imposed by the Congress on legal services attorneys, and that means, it appears, that they cannot engage in class actions in those areas.

As to the Pacific Legal Foundation, I have no relation to the policy functions or determinations of that Foundation, and it has, to my best knowledge and understanding, no relationship to the U.S. Congress or its statutory power over regulation of litigation.

SEVEN SENATORS' QUESTION:

15. Do you have any reservations regarding legal services attorneys becoming involved with suits against local or state governments, or the federal government? If so, please indicate the nature of your reservations.

PROFESSOR HARVEY'S ANSWER:

15. I have no reservations about legal services attorneys being involved in suits against state or local or federal governments or programs, unless it is shown that such suits are, in fact, counterproductive and not helpful to persons who are poor, or do not serve the personal interests of individuals.

SEVEN SENATORS' QUESTION:

16. Do you disapprove of any of the kinds of cases handled by local legal services programs? If so, what kinds of cases and why?

PROFESSOR HARVEY'S ANSWER:

16. I disapprove of a suit handled by a local legal services program if it is disallowed by the statute, or regulations, or if it appears to be not in the interest of an individual client for whom the legal services attorney should be providing assistance of counsel.

SEVEN SENATORS' QUESTION:

17. It has been reported that the Legal Services Corporation transition team criticized the Corporation for flaunting its political independence. Do you agree with the purported transition team's characterization of the Corporation? If so, how do you reconcile this with the Congressional intent expressed in the Act and in the 1974 Senate report to accompany the Act?

PROFESSOR HARVEY'S ANSWER:

17. With all respect, I prefer not to make a judgment based on a characterization of or a hearsay comment or reference to another report.

SEVEN SENATORS' QUESTION:

18. If a legal services program presently operating on the staff attorney model is found to be delivering legal services to the poor efficiently and effectively, would there be any reason to make existing programs change their delivery model?

PROFESSOR HARVEY'S ANSWER:

18. Yes there would be, if it appears that a more efficient and more effective delivery model is available, and if such a model can be put in place consistent with statutory mandates.

SEVEN SENATORS' QUESTION:

19. Have you ever served as a member of a lawyer referral program? When and how many times have you participated in representing poor clients at low cost or for no charge?

PROFESSOR HARVEY'S ANSWER:

19. Over the years, I have often referred poor persons to attorneys, and very often I assist attorneys who represent poor persons.

SEVEN SENATORS' QUESTION:

20. Do you now represent, or have you represented, or are you associated in any way with any organization which represents or has represented any client in litigation or negotiations against a party represented by a legal services attorney? If so, describe the nature of such litigation and its current status.

PROFESSOR HARVEY'S ANSWER:

20. I do not now represent a client who has interests "against a party represented by a legal services attorney." In the past, I do not know whether this has occurred. I have been an attorney involved in major cases and major class actions, in the 1970s, and I do not recall whether any L.S.C. staff attorney was active in that litigation as an L.S.C. staff attorney.

However that may be, the litigation or my participation in it has long since ended, and has no current status of which I am aware, and I do not now represent any client anywhere.

SEVEN SENATORS' STATEMENT:

21. In your writings, you have strongly criticized the role of the federal courts, yet this forum has been crucial to the poor and disadvantaged in vindicating their federal statutory and constitutional rights.

PROFESSOR HARVEY'S COMMENT:

21. In my writings, I have suggested and shown how federal courts can be better and more effective in their exercise of legitimate judicial power and authority; or I have suggested ways for the better organization of and the exercise of judicial power in the United States.

SEVEN SENATORS' QUESTION:

21. As a member of the LSC Board, would you seek to limit in any way the ability of legal services clients and their attorneys to bring their claim in the federal court system?

PROFESSOR HARVEY'S ANSWER:

21. The ability to bring a claim in a federal court is determined by the Congress in Acts which define both the competency of the Legal Services Corporation and the Federal judicial system. That is not determined, as far as I can tell, by a member of the L.S.C. Board of Directors.

SEVEN SENATORS' QUESTION:

22. Do you support the Corporation's current policy with respect to affirmative action, both in terms of that policy at the local program level as it applies to representation as well as local employment policy and the Corporation's policy toward its own employees? If not, what changes would you recommend?

PROFESSOR HARVEY'S ANSWER:

22. Before attempting to answer this question on the Corporation's affirmative action policy, I would prefer to examine it in considerable detail. The Corporation President and staff are investigating this matter.

SEVEN SENATORS' QUESTION:

23. The 1980 Annual Report of the Pacific Legal Foundation lists 25 cases in which PLF appeared to oppose the interests of low-income and minority litigants -- four cases opposing individual claimants for unemployment compensation, five cases opposing farm worker collective bargaining efforts, eight actions opposing affirmative action programs for minorities, and three actions opposing efforts to protect minority voting rights. We further understand that the PLF directly opposes clients of legal services attorneys in two pending lawsuits. Would you describe the Pacific Legal Foundation's goals and philosophy, and your involvement with that organization? What assurance can you give us that as Chairman of the Legal Services Corporation Board you will be able to insulate yourself from any contact with PLF regarding cases in which that organization opposes the activities of the Legal Services Corporation?

PROFESSOR HARVEY'S ANSWER:

23. I have no involvement with the "goals and philosophy" of the Pacific Legal Foundation. This is determined by its Board and Officers, and perhaps it is described in its annual reports. Your question makes reference to one annual report, for 1980. I do not know whether that report speaks about current "goals and philosophy" or not.

I am not aware of any time that the Pacific Legal Foundation has been in opposition to the Legal Services Corporation on which I sit as a member of the Board of Directors. If it was, or if it were in the future, I would, of course, strongly protect L.S.C., consistent with the structural function within L.S.C.

SEVEN SENATORS' QUESTION:

24. Please describe the date, nature, and substance of any contact that you have had with White House personnel and other Board nominees concerning the Legal Services Corporation since January 1981.

PROFESSOR HARVEY'S ANSWER:

24. White House: I have spoken, rather often, to Mr. Robert Kabel in the White House, who has the job of assisting persons such as myself with confirmation hearings, and I have spoken to members (i.e. secretaries and the like) of his staff or office. Secondly, on one occasion I had the pleasure of meeting Mr. Edwin Meese, III, and one member of his staff. He congratulated me on my selection to the Board, and wished me well. Rather recently

(late April, 1982) I had a helpful suggestion from Mr. Michael Horowitz, concerning two highly qualified persons who might be eligible as President of the Corporation.

Finally, in the fall of 1981 a secretary in the White House, on some staff, called to ask whether I would accept an appointment to the Board.

Board Members: As to Board Members, I speak to them on a one-to-one basis, whenever I believe it is necessary to do so.

SEVEN SENATORS' QUESTION:

25. Did you submit your name for consideration as a Legal Services Corporation Board nominee? If so, in what manner, to whom, and when did you make such submission? If not, please describe who contacted you, and how and when that contact took place.

PROFESSOR HARVEY'S ANSWER:

25. No. In the fall of 1981 a person in the White House called and asked if I would accept an appointment and I said yes. I do not recall the name of the individual.

SEVEN SENATORS' QUESTION:

26. Please describe everything you know about how the other Board nominees were selected.

PROFESSOR HARVEY'S ANSWER:

26. I have no information on this subject.

ORRIN G. HATCH, UTAH, CHAIRMAN

ROBERT T. STAFFORD, VT.
DAN QUAYLE, IND.
PAULA HAWKINS, FLA.
DON NICKLES, OKLA.
LOWELL P. WEICKER, JR., CONN.
GORDON J. HUMPHREY, N.H.
JEREMIAH DENTON, ALA.
JOHN P. EAST, N.C.

EDWARD M. KENNEDY, MASS.
JENNINGS RANDOLPH, W. VA.
HARRISON A. WILLIAMS, JR., N.J.
CLAIBORNE PELL, R.I.
THOMAS F. EAGLETON, MO.
DONALD W. RIEGLE, JR., MICH.
HOWARD M. METZENBAUM, OHIO

ROBERT P. HUNTER, CHIEF COUNSEL
KEVIN PATCH, STAFF DIRECTOR
RITA ANN PFEIFFER, CHIEF CLERK
LAWRENCE C. HOROWITZ, M.D., MINORITY STAFF DIRECTOR

United States Senate
COMMITTEE ON LABOR AND
HUMAN RESOURCES
WASHINGTON, D.C. 20510

May 18, 1982

Ms. Annie L. Slaughter
Annie Malone Children's Home
2612 Goode Avenue
St. Louis, Missouri 63113

Dear Ms. Slaughter:

We appreciate your appearing before the Committee on Labor and Human Resources today at your confirmation hearing.

Attached are additional questions which we feel important to be answered by each nominee to develop a complete record for the Committee's review. We would appreciate your responses at the earliest possible date.

We have also enclosed an addressed envelope for your convenience in returning your responses to us.

Very truly yours,

EDWARD M. KENNEDY
U. S. S.

THOMAS F. EAGLETON
U. S. S.

JENNINGS RANDOLPH
U. S. S.

DONALD W. RIEGLE, JR.
U. S. S.

CLAIBORNE PELL
U. S. S.

HOWARD M. METZENBAUM
U. S. S.

SPARK M. MATSUNAGA
U. S. S.

LEGAL SERVICES CORPORATION

May 20, 1982

QUESTIONS SUBMITTED BY
THE FOLLOWING MEMBERS OF
THE UNITED STATES SENATE:
HONORABLE EDWARD M. KENNEDY
HONORABLE JENNINGS RANDOLPH
HONORABLE CLAIBORNE PELL
HONORABLE THOMAS F. EAGLETON
HONORABLE DONALD W. RIEGLE, JR.
HONORABLE HOWARD M. METZENBAUM
HONORABLE SPARK M. MATSUNAGA

ANSWERS BY MS. ANNIE L. SLAUGHTER
MEMBER, BOARD OF DIRECTORS
LEGAL SERVICES CORPORATION

SEVEN SENATORS' QUESTION:

1. In your view, what is the meaning of "full access under law to comprehensive and effective legal services?"

MS. SLAUGHTER'S ANSWER:

1. Full access means not limited but complete and effective legal services.

SEVEN SENATORS' QUESTION:

2. Do you believe that legal services programs should provide the full spectrum of professional representation -- whether it is approaching a State legislature, contesting the decision of a Governor or other high official, or challenging a state or local statute or ordinance, so long as it is related to the direct professional responsibility to that client and that case?

MS. SLAUGHTER'S ANSWER:

2. Yes.

SEVEN SENATORS' QUESTION:

3. Do you agree that the provisions of the Legal Services Corporation Act require that there be no interference with a legal services attorney's professional responsibilities?

MS. SLAUGHTER'S ANSWER:

3. Yes.

SEVEN SENATOR'S QUESTION:

4. Do you agree that any guidelines established by the Corporation must be grounded on the principle that there can be no interference with a legal services attorney's professional responsibilities?

MS. SLAUGHTER'S ANSWER:

4. Yes, within the scope of activities permitted by our Act.

SEVEN SENATOR'S QUESTION:

5. Do you believe that, under the Act, local programs must be insulated from political interference?

MS. SLAUGHTER'S ANSWER:

5. Yes.

SEVEN SENATOR'S QUESTION:

6. Do you think it is the job of the Legal Services Corporation Board to try to set each local program's priorities, or should the Board allow the boards, the staff, and the clients of local programs to do that, in accordance with their own local needs and the resources available to them?

MS. SLAUGHTER'S ANSWER:

6. The Legal Services Corporation Board should not set local programs' priorities. Local programs' needs may differ in sections of the country.

SEVEN SENATOR'S QUESTION:

7. Do you believe that there are cases in which there may properly be interference by the Board in the professional representation by a staff attorney to an eligible client?

MS. SLAUGHTER'S ANSWER:

7. No.

SEVEN SENATORS' QUESTION:

8. The 1974 Committee report on the Legal Services Corporation Act states that Board members should be "fully committed to the role of legal assistance attorneys and support the underlying principle of the legislation that it is in the national interest that the poor have full access under law to comprehensive and effective legal services." Do you support these principles?

MS. SLAUGHTER'S ANSWER:

8. Yes.

SEVEN SENATORS' QUESTION:

9. A document purported to be a summary of the Transition Report on the Legal Services Corporation states that the Report presented various options in order to "free up dollars for judicare as well as prohibit some of the more repugnant activities of local programs." Reportedly, among various options presented were:
   - providing Governors with a veto over all grants within the state;
   - decentralizing LSC by creating regional or state Corporations;
   - giving grant-making authority to the regional offices that would be more responsive to local concerns; and
   - requiring clients to pay part of the cost of representation.

   As a member of the Board, would you support any or all of those options?

MS. SLAUGHTER'S ANSWER:

9. No. I would not support any of those options.

SEVEN SENATOR'S QUESTION:

10. The Legal Services Corporation Act requires that no more than six members of the Corporation Board shall be of the same political party. Of what political persuasion are you?

MS. SLAUGHTER'S ANSWER:

10. Independent.

SEVEN SENATOR'S QUESTION:

11. What attempts have you made to acquaint yourself with the needs of eligible clients of the Legal Services Corporation?

MS. SLAUGHTER'S ANSWER:

11. I have spent my entire life among the poor in a poor community. I have actively worked to better the condition of my neighbors and fellow citizens. I detailed my community activity in the statement I gave before your committee May 18. Perhaps my experience as voluntary coordinator of a crime victims program best acquainted me with the legal needs of poor people. Since my nomination I have visited the legal services program in St. Louis and have been briefed by the Executive Director of that program.

SEVEN SENATORS' QUESTION:

12. As you know, the funding level for the Corporation was reduced by 25 percent from FY 1981 to FY 1982 -- from $321 million to $241 million. The Corporation has requested a budget of $265 million for FY 1983. Is the amount appropriated for FY 1982 adequate to meet the need for legal services for the poor? Would the Corporation request of $265 million for FY 1983 be adequate to meet such need?

MS. SLAUGHTER'S ANSWER:

12. I have read that even with $321 million the Corporation was only able to meet 20% of eligible needs in 1981. I couldn't make a better estimate than that with the information I now have.

SEVEN SENATORS' QUESTION:

13. What savings in funds, if any, do you believe can be implemented by the Legal Services Corporation within the construct of the present Act? What savings, if any, do you believe could be achieved through statutory changes in the Act? Do you favor any such administrative or statutory changes?

Do you think that cost effectiveness theories dictate that some types of legal services attorneys' work be halted? If so, what types of work and why?

MS. SLAUGHTER'S ANSWER:

13. I hope that our staff will be able to find ways to stretch our reduced appropriation, but I have not yet identified any particular changes to achieve savings. I am not now aware of any type of legal work, permitted by law, which should be halted for cost effectiveness.

SEVEN SENATORS' QUESTION:

14. Do you favor restricting any areas of legal services attorneys' activities? If so, what kinds of restrictions do you favor, and on what basis?

MS. SLAUGHTER'S ANSWER:

14. I would not propose new restrictions on local attorneys as long as they abide with our Act and regulations.

SEVEN SENATORS' QUESTION:

15. Do you have any reservations regarding legal services attorneys becoming involved with suits against local or state governments, or the federal government? If so, please indicate the nature of your reservations.

MS. SLAUGHTER'S ANSWER:

15. No, not if less expensive means of getting justice from those governments have failed.

SEVEN SENATORS' QUESTION:

16. Do you disapprove of any of the kinds of cases handled by local legal services programs? If so, what kinds of cases and why?

MS. SLAUGHTER'S ANSWER:

16. I'm basically satisfied with the restrictions now in the law. Just as priorities differ from program to program, I might disagree with the priorities of some programs.

SEVEN SENATORS' QUESTION:

17. It has been reported that the Legal Services Corporation transition team criticized the Corporation for flaunting its political independence. Do you agree with the purported transition team's characterization of the Corporation? If so, how do you reconcile this with the Congressional intent expressed in the Act and in the 1974 report to accompany the Act?

MS. SLAUGHTER'S ANSWER:

17. I believe in the political independence of the Corporation. I haven't seen the transition team report and I don't know what would have led them to such a criticism.

SEVEN SENATORS' QUESTION:

18. If a legal services program presently operating on the staff attorney model is found to be delivering legal services to the poor efficiently and effectively, would there be any reason to make existing programs change their delivery model?

MS. SLAUGHTER'S ANSWER:

18. Not if by "efficiently" you mean that no other means of delivering services would be more cost effective.

SEVEN SENATORS' QUESTION:

19. Please describe the date, nature, and substance of any contact that you have had with White House personnel and other Board nominees concerning the Legal Services Corporation since January 1981.

MS. SLAUGHTER'S ANSWER:

19. Barbara McQuown of the White House contacted me last year and requested my resume. I next heard from the White House when I was selected. I have had a number of conversations, and a couple of meetings since that time, with Robert Kabel of the White House Office of Legislative Affairs who has briefed me on the confirmation process.

Since being named as a recess appointee of the Board, I have attended several committee meetings, one Board meeting, and spoken several times to other Board members about our responsibilities.

SEVEN SENATORS' QUESTION:

20. Did you submit your name for consideration as a Legal Services Corporation Board nominee? If so, in what manner, to whom, and when did you make such submission? If not, please describe who contacted you, and how and when that contact took place.

MS. SLAUGHTER'S ANSWER:

20. No. Barbara McQuown told me that Frank Carrington, with whom I worked in the criminal victim assistance program, had suggested that I be considered.

SEVEN SENATORS' QUESTION:

21. Please describe everything you know about how the other Board nominees were selected.

MS. SLAUGHTER'S ANSWER:

21. I don't know how the other Board nominees were selected.

* * *

MS. SLAUGHTER'S ANSWERS TO

SENATOR CRANSTON'S QUESTIONS

1. A. Why do you wish to serve on the Legal Services Corporation Board and what do you think will be the nature of the contribution you will make to the Legal Services Corporation?

--I believe it is vitally important that the Board be sensitive to the problems and needs of the poor. As a woman, a minority, and one who lives and works with the poor and disadvantaged, I am familiar with the problems, and I plan to keep the Board abreast of the problems.

B. What is your understanding as to the duties and responsibilities of a member of the Legal Services Corporation Board?

--It is the duty and responsibility of a member to carry out the business and affairs as set forth in the Legal Services Corporation Act.

C. What prior involvement have you had with legal services programs?

--As the former Voluntary Coordinator of a Crime Victims Program, I referred victims to the legal services program.

D. What organizations concerned with the poor have you been involved in and what was the nature of your involvement?

--Currently, I am serving as Co-chairman of a victims program that gives assistance to crime victims, who are the poor, elderly, and in most cases minorities. I started a (Pantry) collection of canned goods for distribution to the needy through an organization in my church.

2. A. (i) Are you familiar with the legal services programs operating in your own community?

--Since my nomination I have visited the Legal Services Program and received a brief orientation of the program by the Executive Director. I toured the facilities and talked briefly with some of the staff.

(ii) If so, describe the basis for this familiarity and your general views regarding such programs.

-- Since my nomination I have visited the Legal Services Program and received a brief orientation of the program by the Executive Director. I toured the facilities and talked briefly with some of the staff.

B. Would you please comment briefly on the extent to which you believe that the need for legal services is being met -- both in your own community and nationally?

--With the budget cuts, services to the Clients will (also) be cut to the extent that legal services are not and will not be met in my community or nationally.

3. Under what circumstances, if any, do you feel it would be appropriate for a member of the Legal Services Corporation Board to interfere with a case being handled by a program's staff attorneys?

--I don't feel it would be appropriate under any circumstance.

4. A. (i) Do you believe that it is appropriate for legal services attorneys to litigate against state governments or federal agencies:

--Yes.

(ii) If not, why not?

--

B. If a client's rights are being, or may in the future be, violated by the actions or proposed actions of a governmental agency, do you believe it appropriate for legal services programs to seek to have that agency's policies or regulations changed through non-adjudicatory advocacy before that agency?

--I don't understand the question.

5. A. Do you believe that legal services programs should provide the full spectrum of professional representation to the clients they represent?

--Yes.

B. What aspect of professional representation do you believe should be denied to low-income clients and why?

--None.

6. Do you believe that a legal services lawyer funded by the Corporation should vigorously pursue cases against the federal government that he or she believes are meritorious, even if they embarrass the government or arouse people in Congress?

--Yes.

7. Do you agree that it is a legal services attorney's right and responsibility, in consultation with his or her client, to select the forun, remedy, and strategy which is most appropriate to his or her client's needs?

--Yes.

8. A. Do you agree that board members must avoid any conflict of interest or appearance of conflict of interest even if not strictly within the proscription of the Legal Services Corporation Act?

--Yes.

B. Would you take whatever steps are necessary to remove yourself from any conflict of interest -- or appearance of a conflict of interest -- even in those instances which do not technically fall under the Act's proscriptions?

--Yes.

D. Do you now represent, or have you represented, or are you associated in any way with, any organization which represents or has represented any client in litigation or negotiations against a party represented by a legal services attorney? If so, describe the nature of such litigation and its current status.

--No. (Not applicable.)

(i) through (iv): Not applicable.

9. A. What role do you think clients of legal services programs should have in the operation of local programs?

--Clients should participate fully in all activities involving the operation of local programs and the national board.

B. What role do you believe clients should have in the activities of the national board?

--Clients should participate fully in all activities involving the operation of local programs and the national board.

0. A. What should be the criteria for screening candidates for replacement of Mr. Bradley as permanent president of the Corporation?

--Candidates for the President of the Corporation should be committed to the continuation of the Corporation.

B. Would you actively oppose a candidate with a record of antagonism to the legal services program?

--No.

11. The Legal Services Corporation Act provides that the Board of Directors should include eligible clients and should be generally representative of the organized bar, attorneys providing legal assistance to eligible clients, and the general public; the legislative history further elucidates that latter category to include persons representative of organizations involved in the development of legal assistance for the poor, the academic legal community, women, and minority groups.

A. Which of these categories do you feel you are representative of? Please explain the basis for your answer.

--I am a woman, black, and in my opinion could qualify as an eligible client.

B. (i) Do you feel the nominees submitted to the Senate, taken as a whole, reflect the composition of the Board intended by the Congress?

--I don't know.

(ii) If not, what groups do you feel are not represented?

--I don't know.

12. How much time would you be prepared to commit during your term to the business of the Legal Services Corporation?

--I will devote as much time as I can to the business of the Legal Services Corporation.

13. What other commitments do you have that will affect the time you may devote to the business of the Corporation?

--I am presently employed.

14. A. Will you have time and do you intend to visit various legal services programs to learn how they operate and what problems and needs they have?

--I have visited the legal services program in my community and discussed some of its programs with the Executive Director.

B. How much time do you plan to devote to such visits?

--I plan to make frequent visits to other programs.

15. A. Do you agree with the stated objective of the Act to keep the Legal Services program independent of political influence and control.

--Yes.

B. Do you agree that the independence of the legal services program from political influence and control is critical to its carrying out its statutory mission? Why?

--Yes.

C. What steps will you personally take to maintain the independence of the Corporation from political influences?

--I will take any course available to me to maintain the independence of the Corporation from political influence.

16. Do you have any reservations about supporting the letter and spirit of any provisions of the Legal Services Corporation Act? If so, explain.

--No.

17. A. Have you made any speeches, statements, or communications with any

public agencies, media, or legal services programs which reflect your basic position on legal services for the poor and/or the Legal Services Corporation? If so, please provide copies of such materials.

--See attached.

B. (i) Were you asked to participate in any efforts during the past year either to continue or abolish the Legal Services Corporation?

--No.

(ii) By whom were any such requests made and what, if any, action did you take in response to any requests?

--Not applicable.

18. President Reagan has recommended abolition of the Legal Services Corporation. With respect to this recommendation --

A. Are you committed to opposing the abolition of the Legal Services Corporation? If not, why are you accepting this nomination to the Board of Directors?

--Yes.

B. In relationship to your nomination, have you made any commitments with regard to your position on the question of abolition of the Corporation?

--No.

19. Please discuss the nature and timing of your contacts with White House personnel or other representatives of the Administration regarding your nomination and specifically what discussions occurred regarding your position on (A) President Reagan's recommendation that the Corporation be abolished, and (B) the appointment of a temporary or permanent President or any other officer of the Corporation.

--None.

20. A. What is your position on the appropriateness of the White House participating in, or actually deciding upon, the selection of the President or any other officer of the Corporation?

--I will abide by the Legal Services Corporation Act that states "The Board shall appoint the president of the Corporation."

B. Do you plan to discuss with White House personnel or other Administration representatives such personnel decisions to be made by the Board of Directors?

--No.

Senator **QUAYLE**. I do not believe there is any other business before the committee, so we will stand adjourned.

[Whereupon, at 10:42 a.m., the committee recessed, to reconvene at the call of the Chair.]

○